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صحيح البخارى

The Translation of the Meanings

of

Sahih Al-Bukhari

Arabic – English

Vol. III

By

Dr. Muhammad Muhsin Khan

ISLAMIC UNIVERSITY -- AL-MEDINA AL-MUNAUWARA

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IN THE NAME OF ALLĀH, THE BENEFICENT, THE MERCIFUL

Praise be to Allāh, the Lord of the Worlds, and Peace be upon the Master of the Apostles, his Family and Companions.

We, the undersigned, have read this translation of the Meanings of "Ṣaḥīḥ al-Bukhārī" achieved by Dr. Muḥammad Muhsin Khan and have done our best to revise and correct it perfectly well from its beginning to its end so that, with the ability and efforts available, it has come near to correctness as much as possible.

We thank Allāh, the Elevated, for the success of this beneficial project and ask Him to bountfully reward all those who have undertaken it or participated in it—Allāh's Pleasure being our aim, and it is He who guides us on the right path.

Shākir Naṣīf Al-'Ubaydī :
M.A. English, Vanderbilt Univ., U.S.A. ;
Teacher of English :
Baghdād Univ., & College of Education, Mecca.

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King Hospital,
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Nasr

Dr. Muḥammad Taqiy-ad-Din Al-Hilālī :
Ph. D. Berlin Univ., Germany ; Professor :
Muḥammad V Univ., Morocco ; Islamic Univ., Medina.

I have perused a little portion of this translation and found that the translator has succeeded in rendering the meanings of "Al-Jāmi' Aṣ-Ṣaḥīḥ" (Ṣaḥīḥ al-Bukhārī) into English in a simple comprehensible style free from complications. I have also noticed that he has chosen successfully the best and most authentic interpretation of some Hadiths that are interpreted differently by different scholars.

Dr. Maḥmūd Ḥamad Naṣr As-Sūdānī did his best to check the whole translation. The second revision was done by Mr. Shākir Naṣīf Al-'Ubaydī. Finally, Dr. Muḥammad Taqiy-ad-Din Al-Hilali checked the translation with the translator Dr. M.M. Khān thoroughly and minutely, doing his utmost to correct the minor mistakes he detected, till the translation acquired a high degree of precision.

May Allāh bountfully reward whoever has participated in this benevolent work ; and may He make people benefit by it.

I am perfectly sure that the translation, with Allāh's help and after all the great efforts exerted in its production, has neared perfection.

In Allāh's Hands are all means of success. And Praise be to Allāh, the Lord of the Worlds.

MUḤAMMAD AMĪN AL-MIṢRĪ
Ph.D. Cambridge Univ.,
Adviser & Head of Sharī'a Department
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Mecca Al-Mukarrama.

Amin El-Masri

بسم الله الرحمن الرحيم

الحمد لله رب العالمين والصلاة والسلام على سيد المرسلين و على آله و أصحابه الغر الميامين و بعد : فاننا نحن الموقعين ادناه قد عملنا على قراءة هذه الترجمة التى قام بها الدكتور محمد محسن خان لمعانى كتاب صحيح البخارى ولقد بذلنا الوسع فى مراجعتها و تصحيحها بدقة تامة من البداية الى النهاية حتى اصبحت الترجمة اقرب ما يمكن الى الصواب فى حدود طاقتنا و جهدنا ـ

و اننا نحمد الله على ما وفق من انجاز هذا المشروع الطيب و نسأله ان يجزل المثوبة للذين قاموا به و اسهموا فيه جميعا والله من وراء القصد و هوالهادى الى سواء السبيل ـ

الاستاذ شاكر نصيف العبيدى
ماجستير فى اللغة الانكليزية من
جامعة فاند زيلت الامريكية واستاذ
اللغة الانكليزية فى جامعة
بغداد ثم استاذ اللغة
الانكليزية فى كلية التربية
بمكة المكرمة

الدكتور محمود
حمد نصر
خريج جامعة
الخرطوم
و طبيب مستشفى
الملك بالمدينة
المنورة

الدكتور محمد تقى الدين الهلالى
دكتوراه من جامعة برلين المانيا
استاذ فى جامعة بغداد سابقا
و حاليا استاذ فى جامعة محمد
الخامس بالمغرب و استاذ منتدب
فى الجامعة الاسلامية بالمدينة
المنورة

لقد اطلعت على جزء يسير من هذه الترجمة و قد وجدت القائم على الترجمة قد وفق الى نقل معانى الجامع الصحيح الى اللغةالانكليزية با سلوب سهل ميسر قريب خال من التعقيد كما انى وجدته قد وفق الى احسن الاقوال و ارجحها فى تفسير معانى بعض الاحاديث المختلف فيها و قد تسلم العمل بتمامه الدكتور محمود حمد نصر السودانى فبذل فيه غاية وسعه و راجعه مراجعة اولى من اوله الى آخره ثم قام بمراجعته مراجعة ثانية الاستاذ شاكر نصيف العبيدى ، ثم راجعه الدكتور محمد تقى الدين الهلالى مع مؤلفه الدكتور محمد محسن خان مراجعة فحص و تدقيق و بذل جهده فى اصلاح ما ظهر له من خطأ قليل حتى ظهرت الترجمة فى غاية التحقيق ـ

و نسأل الله ان يجزل ثواب كل من شارك فى هذا العمل المبرور و ان ينفع به ، و انى واثق تمام الثقة ان الترجمة بعون الله بعد كل ما بذل لها من جهد اصبحت اقرب الى الصواب ـ

والله ولى التوفيق والحمد لله رب العالمين ـ

محمد امين المصرى

دكتوراه من جامعة كمبرج . المستشار
و رئيس قسم الشريعة فى كلية الشريعة
والدراسات الاسلامية فى مكةالمكرمة

Appendix

The Miracles of the Holy Prophet Muḥammad (صلى الله عليه وسلم).

At this point I would like to bring to the notice of the reader that the Prophet ﷺ was granted many miracles by Allāh (the Lord of the heavens and the earth) and some of them are as follows :

1. The Holy Qur᾿ān is the living miracle of the Holy Prophet ﷺ and this, Allāh's Book was revealed to him through the holy spirit (Gabriel) and today 1400 years have passed and nobody has been able to change a single letter or produce its imitation although the people of the Scriptures tried to change it but they could not as it is said in the Qur᾿ān (Sūra Ḥijr, 15 : 9), and the statement of the Prophet ﷺ, "Before me, every prophet was given a miracle and they practised it during their life-time : i.e., Jesus used to cure the sick and make the dead alive, etc ; Moses was given the stick etc, and I have been given the permanent miracle of the Qur᾿ān till The Hour is established, so I hope that my followers will be more in number than all the other Apostles' as my miracle will last till the Day of Resurrection, and it is a Glorious Book ; when anyone reads it, he is convinced that it was not written by any human being or any created thing (angels, etc.,) but it is from the Creator of the heavens and the earth, even if he is a pagan, etc."

2. The splitting of the moon : Narrated Anas رضي الله عنه that the Meccans requested Allāh's Apostle ﷺ to show them a miracle, so he showed them the splitting of the moon. See (Vol. IV : 831).

3. The crying of the stem of the date palm tree in the Prophet's Mosque : Narrated Ibn ʿUmar رضي الله عنهما that the Prophet ﷺ used to deliver his sermon while leaving against a trunk of a date palm tree. When he had the pulpit made and used it instead, the trunk started crying and the Prophet ﷺ went to it, rubbing his hand over it (to stop its crying). See (Vol. IV : 783).

4. The flowing of the water from among the fingers of Allāh's Apostle ﷺ . (See Ḥadīth Vol. IV : 779).

5. The Prophet's meals used to glorify Allāh while he ate, and this glorification was heard by the companions of the Prophet ﷺ. (See Ḥadīth Vol. IV : 779).

6. The stones used to greet the Prophet ﷺ whenever he passed by through the pathways of Mecca.

7. The throwing out of a dead body of a Christian by the earth: Narrated Anas: There was a Christian who embraced Islām and read Sūrat-al-Baqara and Al-ʿImrān and he used to write the revelation for the Prophet ﷺ. Later on he returned to Christianity and used to say, "Muḥammad knows nothing but what I have written for him." Then Allāh caused him to die and the people buried him but in the morning they found that the earth had thrown out his body." They said, "This is the deed of Muḥammad (ﷺ) and his companions. They have opened the grave of our companion and took his body out because he ran away from them, so they again dug the grave deeply for him, but in the morning again found that the earth had thrown the body out." They said, "This is a deed of Muḥammad (ﷺ) and his companions." So they dug a third grave for him as deep as they could, but in the morning they found that the earth had thrown the body out. Then they believed what had befallen him, was not done by mankind, and they had to leave the body on the ground. (See Vol. IV : 814).

8. The screening (shading) by the trees for the Prophet ﷺ to answer the call of nature.

9. The rising of water in the well at Ḥudaibīya after it had dried. (See Ḥadīth Vol. IV : 777).

10. The increase in the amount of dates in the garden of Jābir bin ʿAbdullāh after the Prophet ﷺ went round the heap of dates and invoked Allāh for His Blessings. (See Ḥadīth Vol. IV : 780).

I. AKNOWLEDGEMENTS

I am greatly indebted to whoever participated in the accomplishment of this translation, especially my doctor colleages who checked and rechecked the manuscript with great perseverance.

I am pleased to thank particularly Drs. Ḥasan Nāṣir, ʿAṭā-l-lah Mirza, Akbar Walī, Ramaḍān ʿAlī Korānī, Shāmil ʿAṭiyya, ʿAbdul-Qaiyūm and Nizām Addīn.

I am grateful to Dr. Mahmud Naṣr As-Sūdānī who devoted every hour of his leisure time to check the English manuscript comparing it with the Arabic text word for word.

My gratitude and acknowldgements are due to Dr., Muḥammad Taqīyad Din Al-Hilālī Ph.D. Berlin University and Mr. Shākir Nasīf Al-ʿUbaidī, M. A. in English ; both took the responsibilty of giving the finishing touches to this colosal work by checking and rechecking the English manuscript comparing it with the Arabic version word for word. The latter chose a suitable system of symbolizing the Arabic sounds, and transliterated the Arabic proper names and other technical terms accordingly. He did his best to improve the structure of the English sentences keeping the style simple and comprehensible. The glossary attached to the book has been compiled by him.

I also wish thank to Mr. Muḥammad ʿAbdul ʿAlēem an Australian Muslim who has very kindly read the English Text thoroughly to improve its coherence where ever possible.

I am grateful to Dr. M. Amīn Al-Miṣrī, Ph.D. in Ḥadīth Literature, for his advice concerning the translation of certain Ḥadīths and for his encouragement and sincere wish for the success of this enterprise.

To the Muslim World League at Mecca Al-Mukarrama I wish to express my deep gratitude and great appreciation for encouraging the project.

I am greatly indebted to the Muslim erudite scholars at Medīna who, when consulted, gave willingly their opinions concerning the interpretation of certain Hadiths.

My thanks are also due to Mr. Ḥasan Ṣubḥī and to the typist, Mr. Amīn Ash-Shamīm and Mrs. Sharrīfa Ādam Makda who typed and retyped the manuscript patiently.

II. REMARKS

1. The Text of Ṣaḥīḥ Al-Bukhārī used for this translation is taken from "Fatḥ Al-Bārī" published by the Egyptian Press of Muṣtafā Al-Bābī Al-Ḥalabī, 1959 (1378 A.H.)

2. Due to the non-existence of appropriate and equivalent English words for many Arabic words, those words have been transliterated and an explanation has been given after each word immediately when it occurs for the first time and a glossary of such words has been compiled at the end of each volume. Certain ritual formulas and invocations are also transliterated.

3. The Arabic script is kept as it is for such expressions as تعالى (The Most High) ﷺ , (Peace be upon him), and رضي الله عنه (Allāh be pleased with him) etc.

4. Some materials concerned with Arabic grammer and etymology have been excluded from the English Text.

5. Most of the sub-narrators are often omitted when possible and sometimes only first narrator in each string is kept.

6. Al-Bukhārī in his Ṣaḥīḥ has classified and arranged the Ḥadīths according to the subject matter which they deal with. He gives to each chapter a title indicating a certain point and under that title he states down all the Ḥadīths that are relevant. This procedure has resulted in the occurrance of the same Ḥadīth under various headings, because one Ḥadīth might deal with a great number of aspects of Islamic Jurisprudence. Al-Bukhārī uses each Ḥadīth so that every point that can be inferred from it is referred to.

7. The chapters are not numbered but the Ḥadīths are. The Ḥadīths of each volume have their own sytem of numbering starting with number one in each volume.

8. In this translation I have tried my best to convey the meanings of the Ḥadīths of our Holy Prophet (Peace be upon him) in such a way as to enable the average reader to understand them easily. At the same time I tried to accurately translate the work, taking into consideration the statement of the Prophet (Peace be upon him) : "Whoever told a lie on me intentionally shall seek his place in the Hell-fire."

9. Suggestions and comments for the improvement of this translation shall be most welcomed.

III. TRASLITERATION

In transliterating Arabic words the following system of symbols has been used :

1. Consonants.

Arabic script	English symbol	English words having Similar sounds
ء* أ	’ ’***	—
ب	b	bless
ت	t	true
ث	th	think
ج	j	judge
ح**	h	—
د	d	dear
ذ	dh	this
ر	r	road
ز	z	is
س	s	safe
ش	sh	show
ص	s	—
ض	d	—
ط**	t	—
ظ**	z	—
ع	c***	—
غ**	gh	—
ف	f	free
ق**	q	—
ک	k	care
ل	l	light
م	m	moon
ن	n	nice
ه	h	health
و	w	wealth
ی	y	youth

*This symbol represents a glottal stop (transliterated medially and finally and not represented in transliteration when initial).

**These sounds have no eqivalent sounds in English.

Native speakers of English usually identify them with familiar English sounds in the following manner :

h	h
s	s
d	d
z	z
t	t
q	k

***The Arabic sounds represented by the symbols (’ &) and the ones mentioned in the previous note are to be learned by imitating the native speakers of Arabic, if one wants to be exact in their pronunciation.

2. Vowels :

There are only six vowels in Arabic ; three of them are short and the other three are long. They are symbolised in the following way :

a	approximately as in ‘bad’
i	as in ‘bid’
u	as in ‘pull’
a	as in ‘father’
i	as in ‘bead’
u	as in ‘pool’

Vol. III

GLOSSARY

ʿAbd	: A male slave.
Adhān	: A call to prayer pronounced to indicate that the time of praying is due.
ʿAdhq-bin-zaid	: A kind of dates.
ʿAjwa	: A kind of dates.
Ama	: A female slave.
Ammā baʿdu	: An expression used for separating an introductory from the main topic in a speech; the introductory being usually concerned with Allāh's Praises and Glorifications. Literally it means "Whatever comes after."
ʿArīya (plural ʿArāyā)	: Baiʿ-al-ʿArāyā is a kind of sale by which the owner of a ʿArīya is allowed to sell the fresh dates while they are still over the palms by means of estimation for dry plucked dates. See Hadīth No. 396
ʿĀshūrāʾ	: The tenth of the month of Muḥarram (i. e. the first month in the Muslim calendar.)
ʿAṣr	: Afternoon; the Asr prayer time.
Badr	: A place about 150 k. m. to the South of Al-Medīna where the first great battle in the Islamic History took place between the early Muslims and the Infidels of Quraish.
Badana	: A camel offered as a sacrifice.
Bidʿa	: Heresy (or any innovated practice in religion.)
Budn	: Plural of "Badana."
Burda	: A cloak.
Danīq	: A coin equal to sixth of a Dirham.
Dhul-Ḥijja	: The twelfth month in the Muslim calendar.
Dhul-Ḥulaifa	: The Miqāt of the people of Medīna (now called Byār ʿAlī).
Dhul-Qaʿda	: The eleventh month in the Muslim calendar.
Dhū-Maḥram	: A man with whom a woman cannot marry at all because of a close relation which renders marriage illegal. A woman's husband is also called a Dhū-Maḥram.

Ḍuḥā	Forenoon.
Fai	War booty gained without fighting.
Fajr	Dawn or early morning before sunrise.
Faraq	A bowl for measuring.
Fatāt	A female slave.
Fidya	Compensation for rites missed or wrongly practised; usually in the form of money or foodstuff.
G͟harar	The sale of what is not present; e.g. of unfished fish.
G͟hazwa	A military expedition led by the Prophet ﷺ himself.
G͟hazawāt	Plural of G͟hazwa.
Ḥabal-al-Ḥabla	A kind of sale practised in the Pre-Islamic Ignorant Period: One would pay the price of a she-camel which was not yet born but would be born by the immediate offspring of an extant she-camel.
Hadī	An animal (a camel, a cow, a sheep or a goat) offered as a sacrifice by the pilgrims.
Ḥadīt͟h	The traditions of the Prophet ﷺ, i. e. his sayings and deeds.
Ḥais	A dish made of cooking butter and cheese.
Ḥajj	Pilgrimage to Mecca.
Ḥajjām	One who has the profession of cupping.
Ḥajj-at-Tamattu‘	Doing ‘Umra before Ḥajj while assuming Ihram separately for each.
Ḥajj-al-Akbar	The Day of Nahr.
Ḥajj-al-As͟ghar	‘Umra.
Ḥajj-al-Qirān	Ḥajj performed along with ‘Umra preceding it while one is keeping the same state of Ihram for both.
Ḥajj-Mabrūr	Ḥajj accepted by Allāh for being perfectly performed according to the Prophet's tradition.
Ḥalāl	Lawful.
Ḥarām	Unlawful, forbidden and punishable from the viewpoint of religion.
Ḥaram	A sanctuary.
Ḥarrā	Land covered with black stones well-known in Medīna.
Ḥaṣba	A place outside Mecca where pilgrims go after finishing all the rites and ceremonies of Ḥajj.
Hawāla	The transference of a debt from one person to another. It is an agreement whereby a debtor is released from a debt by another becoming responsible for it.

Ḥimā : A private pasture.

Ḥudaibīya : A place near Mecca.

Ḥunain : A valley between Mecca and Tai f.

ʿĪd-al-Aḍḥā : The three days festival of Muslims starting on the tenth of D̲h̲ul-Ḥijja.

ʿĪd-al-Fiṭr : The three days festival of Muslims starting from the first of S̲h̲awwāl, the month that follows Ramaḍan immediatley. "Fiṭr" literally means "breaking the fast." Muslims fast for the whole of Ramaḍan, the ninth month of the Muslim calendar, and when S̲h̲awwāl comes they break their fast.

Id̲h̲k̲h̲ir : A kind of grass well-known for its good smell and is found in Ḥijāz, Saudī ʿArabīa.

Ifṭār : The opposite of fasting.

Iḥrām : A state in which one is prohibited from practising certain deeds that are lawful at other times. The ceremonies of ʿUmra and Ḥajj are performed during such state. When one assumes this state the first thing one should do is to express mentally and orally one's intention to assume this state for the purpose of performing ʿUmra or Ḥajj. Then Talbīya is recited, two sheets of unstitched clothes will be the only clothes one will wear, one round one's waist and the other on one's left shoulder going round the chest from under the right arm.

Īmān : Faith, belief.

Imām : The person who leads others in the prayer ; or the Muslim Caliph.

'Iqāmat-aṣ-Ṣalāt' : The establishing of prayers.

This is not understood by many muslims. It means that :—

(A) All the members of a family or a group etc., of a town or a village etc., must offer the prayers ; all the males in the mosque for the five congregational prayers, and all the females in their houses, both young and old from seven years of age upwards (and no member of the family is to be excused) at the five fixed stated hours for the five compulsory prayers. If any member intentionally did not offer the prayer, then even if the others prayed, they did not establish the prayers. Each chief (of the family or a town or a village, etc.) is responsible for it before Allāh.

	(B) To offer the prayers in a way just as the Prophet ﷺ offered it with all its rules and rites. Please see Hadith No. 785,786,787,788, Vol : I in order to know the Prophet's ways of praying.
Irs͟h	: Compensation given in case of someone's injury caused by another person.
ʿIs͟hā	: Evening prayer. The time for which starts about one and half an hour after sunset.
Iʿtikāf	: Seclusion in a mosque for the purpose of worshipping Allāh only. The one in such a state should not have sexual relations with his wife and one is not allowed to leave the mosque except for a very short period and that is only for very urgent necessity, e.g. answering the call of nature or joining a funeral procession etc.......,
Izār	: A sheet worn below the waist.
Jalīl	: A kind of grass.
Jamʿ	: Al-Muzdalifa.
Jamra	: A Small walled place. There are three Jamras situated at Minā. One of the rites of Hajj is to throw pebbles at these Jamras on the four days of ʿId-al-Aḍḥā.
Jamrat-al-ʿAqaba	: One of the three Jamras at Minā. It is situated at the entrance of Minā from the direction of Mecca.
Janāba	: The state of a person after having sexual intercourse with his wife or after having nocturnal discharge. A Muslim in such a state should perform G͟husl (i. e. have a bath).
Jānib	: A good kind of dates.
Jihād	: Holy fighting in the Cause of Allāh or any other kind of effort to make Allāh's Word (i.e. Islam) superior. Jihād is regarded as one of the principles of Islam.
(Al-) Jiʿrāna	: A place, a few miles away from Mecca. The Prophet ﷺ distributed the war booty of the battle of Hunain there, and from there he assumed the state of Ihram to perform ʿUmra.
Jizya	: Head tax imposed by Islam on Non-muslims who live under Muslim rule (i. e. protection).
Jubba	: A cloak.
Jumuʿa	: Friday.

Kaᶜba	A square stone building in the Great Mosque at Mecca towards which Muslims turn their faces in prayers.
Kafāla	The pledge given by somebody to a creditor to guarantee that the debtor will be present at a certain specific place to pay his debt or fine, or to undergo a punishment, etc.
Kauthar	The Sacred Fount in Paradise.
Khalūq	A kind of perfume.
Kharāj	Taxes imposed on the yield of the land.
Khuff	Leather socks.
Khumus	One-fifth of war booty given in Allāh's Cause etc. (See Qur an 8 : 41.)
Labbaik	I respond to your call ; I am obedient to your orders.
Laiyān	A kind of dates.
Laun	A kind of dates.
Liᶜān	An oath which is taken by both the wife and the husband when the latter accuses his wife of committing illegal sexual intercourse and she devies it. (See Qurʾān, Sūrat-an-Nūr 24 : 6, 7, 8, 9,).
Limās	A sale in which the deal is completed if the buyer touches a thing, without seeing or checking it properly.
Luqata	Article or thing found by somebody other than the owner who has lost it.
Maghrib	Sunset.
Maḥaṣṣab	A valley outside Mecca, sometimes called Khaif Banī Kināna.
Mahr	Bridal money (given by the husband to the wife on marrying.)
Mamlūk	A male slave.
Manīḥa	(Plural : Manāʾiḥ) A certain sort of gift in the form of a she-camel or a sheep which is given to some body temporarily so that its milk may be used and then the animal is returned to the owner.
Mashrūba	Attic room.
Masjid	Mosque.
(Al-) Masjid-al-Aqṣā	The great Mosque in Jerasulam.
(Al-) Masjid-al-Ḥarām	The Great mosque in Macca. The Kaᶜba is situated in it.
Maqām (Ibrāhīm)	The position where Abraham عليه السلام stood while he and Isma il (Ishmāel عليه السلام) were building the Kaᶜba.

Maulāī	: My lord, my master (an expression used when a salve addresses his master (also used for freed slave).
Minā	: A place outside Mecca on the road to ʿArafāt. It is five miles away from Mecca and about ten miles from Arafat.
Mīqāt	: (Plural : Mawāqit) One of several positions specified by the Prophet ﷺ for the people to assume Iḥrām at, on their way to Mecca when intending to perform Ḥajj or ʿUmra.
Mirbad	: A place where dates are dried.
Mudabbar	: A slave who is promised by his master to be manumitted after the latter's death.
Muʾadh-dhin	: A call-maker who recites the Adhān loudly calling people to come and perform the prayer.
Mudd	: A measure of two-thirds of a kilo.
Muḥāqala	: The sale of wheat still in ears for pure wheat.
Muḥarram	: The first month in the Muslim calendar.
Muḥṣar	: A Muḥrim who intends to perform Ḥajj or ʿUmra but cannot because of some obstacle.
Mukātab	: A slave (male or female) who binds himself (or herself) to pay a certain equivalent for his (or her) freedom.
Mukhābara	: The sale of grain or vegetables before it is ripe and that they are free from diseases and blights, and their benefit is evident.
Mulāmasa	: Synonym of "Limās."
Munābadha	: Synonym of "Nibādh."
Mustaḥāḍa	: A woman who has vaginal bleeding in between her ordinary periods.
Muʿtakif	: One in the state of Iʿtikāf.
Muzābana	: The sale of fresh dates for dried dates by measure, and the sale of fresh grapes for dried grapes by measure. In both cases the dried fruits are measured while the fresh ones are only estimated as they are still uncut.
(Al-) Muzdalifa	: A place between ʿArafat and Minā where the pilgrims returning from ʿArafāt spend a night between the ninth and tenth of Dhul-Ḥijja after performing the Maghrib and Isha prayers.
Nahd	: Sharing the expenses of a journey or putting the journey food of the travellers together to be distributed among them in equal shares.
Nahr	: (Literally means "slaughtering") The day of Nahr is the tenth of Dhul-Ḥijja on which pilgrims slaughter their sacrifices.

Najsh	Offering a high price for something without having the intention to buy it but just to cheat somebody else who really wants to buy it. Such a person may agree with the seller to offer high prices before the buyers to cheat them, in which case both this man and the seller are sinful. The seller may falsely tell the buyer that he (i. e. the seller) has previously bought the goods at a certain price which is in reality higher than the actual price.
Najwa	Confidential talk between Allāh and His devotees on the Day of Judgement. It is a favour from Allāh upon His devotees. (See Hadith No. 621.)
Nawāfil (plural of Nāfila)	Optional practices of worship in contrast to Farāʾiḍ (plural of Farīḍa which means an obligatory deed of worship).
Nibādh	A sale in which the deal is completed when the seller throws a thing towards the buyer giving him no opportunity to see, touch or check it.
Nusk	Religious rite.
Nusuk	A sacrifice.
Qadr	One of the odd last nights of the month of fasting (i.e. Ramaḍān). Allāh describes it as better than one thousand nights ; and the one who worships Allāh during it by performing optional prayers and reciting the Holy Qurʾān will get a great reward.
Qārī	An early religious scholar was called Qārī. The plural is " Qurrāʾ." The Qurrāʾ were teachers of the early Muslims.
Qarn-al-Manāzil	The Mīqāt of the people of Najd. It is situated on the way from Ṭāʾif to Mecca.
Qaṣab	Pipes made of pearls and other precious stones.
Qibla	The direction in which Muslims turn their faces in prayers. The direction is towards the Kaʿba at Mecca.
Qīrāṭ	A special weight ; sometimes a very great weight like Uḥud Mountain.
Qithām	A disease which causes the fruits to fall before ripening.
Qubā	A place at the outskirts of Medīna. The Prophet ﷺ took a mosque there which bears the same name. A visit to that Mosque on Saturday forenoon and offering a two-Rakʿat prayer is regarded as a performance of ʿUmra according to the Prophet's saying.

Quraish	One of the greatest tribes in ʿArabīa in the Pre-Islamic Period. The Prophet Muḥammad ﷺ belonged to this tribe which had great powers spiritually and financially both before and after Islām came.
Rabb	Lord, owner. (It is also one of the Names of Allāh.)
Rabbak	Your lord, your master.
Rāḥila	A she-camel used for riding.
Raiyān	The name of one of the gates of Paradise through which the people who often observe fasting enter Paradise.
Rakʿa	The prayer of Muslims consists of Rakʿāt (Sing. Rakʿa) which consists of one bowing and two prostrations.
Ramaḍān	The month of fasting. It is the ninth month in the Muslim calendar. In it the Holy Qurʾān started to be revealed to our Prophet ﷺ and in it occurs the Qadr Night and in it also the great decisive battle of Badr took place.
Ribā	Usury which is of two major kinds : (a) Ribā Nasīʾa, i. e. interest on lent money ; (b) Ribā Faḍl, i. e. taking a superior thing of the same kind of goods by giving more of the same kind of goods of inferior quality, e. g. dates of superior quality for dates of inferior quality of greater amount.
Ruqba	A kind of gift in the form of a house given to somebody to live in as long as he is alive.
Ruqya	Divine Speech recited as a mean of curing disease.
Ṣāʿ	A measure that equals four Mudds.
Ṣadaqa	Anything given in charity.
Saʿi	The rite of walking seven times between the mountains of Ṣafā and Marwa in Mecca during the performance of Ḥajj or ʿUmra.
Saiyid	Master. (It is also used as a title name of the descendants of the Prophet ﷺ .)
Saiyidī	My master.
Salaf	A sale in which the price is paid at once for goods to be delivered later.
Salām	Synonym of "Salaf".
Samūr	A kind of trees.

Sārif	A place six miles away from Mecca.
Sawīq	A kind of dish made of powdered roasted wheat or barley grain (also with sugar and dates).
Shaʿbān	The eighth month in the Muslim calendar.
(Ash-) Shajara	A well-known place on the way from Medīna to Mecca.
Shā'm	The region comprising Syria, Palestine, Lebanon and Jordan.
Shawwāl	The tenth month in the Muslim calendar.
Shufʿa	Pre-emption.
Shirk	Opposite of Tauḥēēd and it is to worship others along with Allāh. (Please see Tauhēēd in glossary).
Sidr	Lotus tree.
Silā	A well-known mountain in Medīna.
Siwāk	A piece of a branch or a root of a tree called Al-ʿArāk used as a toothbrush.
Ṣuffa	A shaded place in the Mosque of the Prophet ﷺ at Medīna in which poor people (emigrants) used to take shelter.
Suhūr	A meal taken before the Fajr prayer on the nights of Ramaḍān, the month of fasting.
Takbīr	Saying "Allāhu Akbar." (Allāh is Greater.)
Talbīya	Saying "Labbaik Allāhumma Labbaik" (O Allāh! I am present to respond to Your Call.)
(At-) Tanʿīm	A place North of Mecca.
Tarāwiḥ	Optional prayers offered after the Isha prayer on the nights of Ramaḍān. They may be performed individually or in congregation.
Tashah-hud	The recitation of the invocation : "At-taḥiyātu lil-lāhi............ (up to) wa ashhadu anna Muḥammadan Rasūlul-lāh" while in "Quʿūd" (i. e. sitting posture) in prayer.
Tashrīq	The 10th, 11th and 12th of Dhul-Ḥijja are called the days of Tashrīq. On these days sacrifices are slaughtered.
Tauhīd	Is of three aspects : (A) Unity of Lordship : "Tauhīd-al-Rubūbīya." To believe that there is only One Lord for all the universe, and that is Allāh. (B) Unity of Worship : "Tauhīd-al-Ilūhīya." To belive that None has the right to be worshipped but Allāh. (C) Unity of the Names and the Qualities of Allāh : "Tauhīd-al-Asmāʾ Was-Sifāt." To believe that :

(1) We must not name or qualify Allāh except with what He and His Apostle ﷺ has named or qualified Him.

(2) None can be named or qualified with the names or qualifications of Allāh, e. g. Al-Karīm.

(3) We must confirm all Allāh's qualifications which Allāh has stated in His Book (i. e. Qur'ān) or mentioned through His Apostle (Muḥammad ﷺ) without twisting the meaning or giving resemblance to any of the created things. These three aspects of Tauḥīd are included in the meaning "None has the right to be worshipped but Allāh.

(D) Unity of following Allāh's Apostle Muḥammad ﷺ Tuaḥīd-al-Ittbā' and this is included in the meaning of: I crtify that Muḥammad ﷺ is Allāh's Apostle and that means: None has the right to be followed after Allāh's Book (Orders) i. e. Qur'ān but Allāh's Apostle ﷺ.

Ṭawāf	: The circumambulation of the Ka'ba.
Ṭawāf-al-Wadā'	: The Ṭawāf one should perform before leaving Mecca.
Uḥud	: A well-known mountain in Medīna. One of the great battles in the Islamic History took place at its foot. The battles is called Ghazwāt Uḥud.
'Umra	: A visit to Mecca during which one performs the Ṭawāf around the Ka'ba and the Sa i between the Ṣafā and Marwa.
'Umra	: Synonym of Ruqba.
Umm Walad	: A slave woman who begets a child for her master.
Uqīya	: 38. 2/3 grams.
Walā'	: Is a kind of relationship (between the master who frees a slave and the freed slave).
Waqf	: Religious endowment.
Wars	: A kind of perfume.
Wasq (plural Awsaq or Awsuq)	: A measuer equal to 60 Ṣā's. One Ṣā' is equal to 3 k. g. approximately.
Wiṣāl	: Fasting for more than one day continuously.

Witr : An odd number of Rak at with which one finishes one's prayers at night after the night prayer or the Isha prayer.

Yalamlam : The Mīqāt of the people of Yemen.

Zakāt : A certain fixed proportion of the wealth of every Muslim to be paid for the benefit of the needy in the Muslim community. The payment of Zakāt is obligatory as it is one of the five major principles of Islām. Zakāt is economic means for establishing social justice and leading the Muslim society to prosperity and security.

Zakāt-al-Fiṭr : An obligatory Ṣadaqa to be given by Muslim before performing the prayer of Īd-al-Fiṭr.

IN THE NAME OF ALLĀH, THE BENEFICENT, THE MERCIFUL

Having noticed the great need of those Muslims who do not know Arabic to learn the correct authentic Hadiths of Allāh's Apostle (Peace be upon him) and since Ṣaḥīḥ-al-Bukhārī is regarded as the most reliable book of the Prophet's Ḥadīths, I have undertaken the project of translating the meanings of the Ḥadīths it contains into English to serve my Muslim brethren who know this language, but have not had the chance to learn Arabic.

My only hope is that Allāh, the Glorious, may help the Muslims to benefit by this Glorious Book and that I may win a reward in the Hereafter similar to the rewards of those who will act upon its instructions ; as Allāh's Apostle (Peace be upon him) says, "He who guides somebody to what is good will have a reward similar to the reward of the doer of that good deed (whom he has guided to it)." (narrated by Muslim in his Ṣaḥīḥ).

I have found it proper to introduce this work with a useful word dealing with the most significant principle in Islām, the belief in the Allāh's Lordship and to worship Allāh alone and none else.

بسم الله الرحمن الرحيم

لما راينا حاجة المسلمين ممن لا يعرف اللغة العربية الى معرفة حديث الرسول صلى الله عليه وسلم الصحيح، و كان صحيح البخارى هو اصح الكتب المؤلفة فى الحديث، احببت ان اترجمه باللغة الانجليزية لأنفع اخوانى المسلمين الذين يجيدون هذه اللغة ولم يتيسر لهم معرفة اللغة العربية رجاء ان ينفعهم الله بهذا الكتاب الجليل و يكون لى مثل اجورهم لقول رسول الله صلى الله عليه وسلم (من دل على خير فله مثل اجر فاعله) رواه مسلم فى صحيحه ورايت ان اضع قبل الشروع فى العمل مقدمة نافعة فى العقيدة، و هذا نص المقدمة -

IN THE NAME OF ALLĀH,
THE BENEFICENT, THE MERCIFUL

INTRODUCTION I

WHY ALLĀH SENT PROPHETS AND APOSTLES (*Peace be upon them all*)

Eversince people innovated the dogma of Shirk,(1) Allāh had been sending Prophets and Apostles to His devotees in order to invite them to the worship of Allāh and Allāh alone, to order them not to ascribe partners unto Him and to bring them out of the darkness of polytheism into the light of monotheism. All the Prophets (Peace be upon them) preached Tuheed (i.e. monotheism, the belief in the oneness of Allāh, the Glorious, the Elevated). The following verses from Sūrat-al-Aʿrāf illustrate this fact : "We sent Noah to his people, and he said : O my people ! Worship Allāh. You have no other God except Him. Lo! I fear for you the punishment of an Awful Day. (59) And unto (the tribe of) Ad (We sent) their brother Hūd. He said : O my people ! Worship Allāh. You have no other God save Him. Will you not ward off (evil) ? (65) And unto Midian (We sent) their brother, Shuʿaib. He said : O my people ! Worship Allāh. You have no other God save Him. (85) And to (the tribe of) Thamūd (We sent) their brother Ṣaliḥ. He said : O my people ! Worship Allāh. You have no other God save Him." (73) "Verily We have raised in every nation a

بسم الله الرحمن الرحيم

(المقدمة)

لأى شئى ارسل الله الانبياء والمرسلين صلوات الله وسلامه عليهم اجمعين

منذ وقع الشرک فی بنی آدم ارسل الله المرسلين والانبياء عليهم السلام الى العباد ليدعو هم الى عبادة الله وحده ولا يشركوا به شيئا و يخرجهم من ظلمات الشرک الى نور التوحيد و کلهم يدعون الى توحيد الله سبحانه و تعالى والدليل على ذلک قوله تعالى فى سورة الاعراف (٥٩) لقد ارسلنا نوحا الى قومه فقال يا قوم اعبدوالله ما لكم من اله غيره انى اخاف عليكم عذاب يوم عظيم (٦٥) الاعراف و الى عاد اخاهم هودا قال يا قوم اعبد واالله ما لكم من اله غيره افلا تتقون (٧٣) والى ثمود اخاهم صالحا قال يا قوم اعبدواالله مالكم من اله غيره (٨٥) و الى مدين اخاهم شعيبا قال يا قوم اعبد والله ما لكم من اله غيره (٢٦) النحل (ولقد بعثنا فى كل امة رسولا ان اعبد وا الله واجتنبوا الطاغوت) و كان كل نبى يرسل لقومه ليهديهم واما محمد صلى الله عليه وسلم فرسالته عامة للى جميع الانس والجن والدليل فى قوله تعالى فى سورة الاعراف (١٥٨) قل يا ايها الناس انى رسول الله اليكم جميعا) -

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(1) See "Glossary" for the meaning of the words Shirk and Tuheed.

messenger (proclaiming) : Worship Allāh and shun false gods. (An-Naḥl, 36).

Every Prophet was sent unto his own nation for their guidance, but the message of the Prophet Muḥammad (Peace be upon him) was general for all mankind and jinns. In Sūrat-al-Aʿrāf, verse 158 Allāh addresses His Apostle : "Say : O mankind ! Lo ! I am the messenger of Allāh to you all."

Dear reader, if you think of the period nearly 560 years after Jesus Christ was lifted up by Allāh, the Glorious, the Elevated, you will find that the people had left the worship of Allāh and had forgotten their Creator and were in complete darkness of Kufr (disbelief in Allāh). Most of the world was politically divided under the colonization of Khosrau and Caeṣar. People in general used to worship various sorts of created things like the sun, the moon, stars, trees, stones, idols and the like.

At that time Allāh, the Supreme, the Glorified sent Muḥammad bin ʿAbdullāh (Peace be upon him) to all mankind and revealed to him the Glorious Qurʾān and the second inspiration, i. e. his traditions, in the heart of the ʿArabian Peninsula. He invited the people to worship Allāh alone and warned them against ascribing partners unto Him in such matters as invocations, fear, hope, appealing for help, offerings, vows, prayers, prostration, fasting and other ritual practices. He carried on preaching for twenty-three years so that people might say : None has the right to be worshipped but Allāh. He ordered them to

ايها القارىء الكريم اذا تصورتم موقف العالم بعد ان رفع الله سبحانه و تعالى عيسى عليه السلام و قد مضى خمس مائة وستون عاما تقريبا و قد تخلى الناس من عبادة الله وحده و نسوا خالقهم والعالم فى ظلمات الكفر الا ما شاء الله و اكثر العالم تحت الاستعمار كسرى و قيصر و ان الناس يعبدون انواع متعددة من المخلوقات كالشمس والقمر والنجوم والاشجار والاحجار والاصنام و غيرها وفى هذا الوقت ارسل الله سبحانه و تعالى محمد ابن عبدالله صلى الله عليه وسلم الى الناس كافة و انزل عليه القرآن العظيم والوحى الثانى و هو سنته فى قلب الجزيرة العربية و هو يا مرالناس بكلمة التوحيد وينهاهم عن الاشراك بالله فى الدعاء والخوف والرجاء والاستعانة والذبح والنذر والصلاة والسجود والصيام و غير ذلك من العبادات فاستمر على دعوته ثلاثة وعشرون عاما لاجل ان يقولوا لا اله الا الله و امرهم ان يعبدوا الله وحده لا شريك له و ان يتركوا عبادة الطواغيت كما قال تعالى فى سورة النحل (٣٦) ولقد بعثنا فى كل امة رسولا ان اعبدوا الله واجتنبوا الطاغوت) ـ

worship Allāh alone, who has no partners, and to give up the worship of other deities and false gods, for Allāh, the Elevated says, "And verily We have raised in every nation an Apostle proclaiming: Worship Allāh and shun false gods and deities." (An-Naḥl, 36) "Say (O Muḥammad!): I am only a mortal like you. My Lord has revealed to me that your God is only One God. And whoever hopes for the meeting with his Lord should do righteous work and, in the worship of his Lord, admit no partners." (Sūrat-al-Kahf, 111)

Dear reader, your God, then, is only One. So it is incumbent upon you to worship Him only and not to ascribe any partner to Him, and to strive hard to do righteous deeds according to the traditions of Muḥammad (Peace be upon him), as is explicitly expressed in his Ḥadīth reported by ʻĀisha رضي الله عنها in Ṣaḥīḥ Muslim: "Whatever is not in agreement with our traditions is rejected."

Jews claimed that Ezra was the son of Allāh, and Christians claimed that the Messiah was the son of Allāh. These claims are referred to in Sūrat-at-Tauba, verse 30: "And the Jews said: Ezra is the son of Allāh, and the Christians said: Messiaḥ is the son of Allāh. That is their saying with their mouths. They imitate the saying of those who disbelieved of old. Allāh's curse be on them. How they are deluded away from the truth!" So they worshipped Ezra and the Messiaḥ, but Allāh, the Supreme, refuted their false statements in the Glorious Qur'ān.

و فی سورة الکہف (۱۱۰) قل انما انا بشر مثلکم یوحی الی انما الہکم اله واحد فمن کان یرجوا لقاء ربه فلیعمل عملا صالحا ولا یشرک بعبادة ربه احدا ۔

ایہا القارئی الکریم الہکم اله واحد فالواجب علیکم ان تعبدوه ولا تشرکوا به احدا واجتہدوا للاعمال الصالحة علی طریقة محمد صلی الله علیه وسلم کما جاء فی صحیح مسلم عن عائشة رضی الله عنہا انه قال (کل عمل لیس علیه امرنا فہو رد) و ان الیہود زعموا ان عزیر ابن الله والنصاری زعموا ان المسیح ابن الله کما قال تعالیٰ فی سورة التوبة اية (۳۰) و قالت الیہود عزیر ابن الله و قالت النصاری المسیح ابن الله ذلک قولہم بافواہہم یضاہئون قول الذین کفروا من قبل قاتلہم الله انی یؤفکون) و قد عبدوا عزیر والمسیح و کذبہم الله تعالیٰ فی القران العظیم ۔

Dear reader, nowadays some people believe in Allāh, but at the same time take as partners of Allāh creatures such as saints, righteous men and the like, (by worshipping them) intending to come nearer to Allāh through this dogma. They slaughter animals in their names and vow to them ; and all that means nothing but evident polytheism, as Allāh says in Sūrat-az-Zumar, verse 3 : "Surely pure religion is for Allāh only. And those who choose protectors other than Allāh (say) : We only serve them in order that they may bring us nearer to Allāh." And in verse 43: "What ! Do they take for intercessors others besides Allāh ? Say : Even though they have nothing whatever and have no intelligence ?" And in verse 44 : "Say : Unto Allāh belongs all intercession. His is the Sovereignty of the heavens and the earth. And afterwards unto Him you will be brought back."

Further Allāh addresses his beloved Apostle Muḥammad (Peace be upon him) in Sūrat-al-Jinn, verse 21 : "Say (O Muḥammad) : It is not in my power to cause you harm or to bring you to right conduct." This indicates that the Prophet (Peace be upon him) has no power of harming or benefiting anyone, for all that is in the hands of Allāh, the Elevated Who says in Sūrat-Ṣabā, verse 22 : " Say : (O Muḥammad !) : Call upon those whom you set up beside Allāh. They possess no power—not even to the weight of a smallest ant in the heavens or on earth, nor have they any share in either, nor has He

ايها القارئ الكريم يؤمن بعض الناس بالله ولكنهم يشركون مع عبادة الاولياء والصالحين ـ

وما اشبه ذلك يريدون التقريب الى الله تعالى بهذا الاعتقاد و يذبحون و ينذرون الى هؤلاء و هذا الفعل نفسه شرك بالله تعالى كما قال تعالى فى سورة الزمر اية (٢) (الالله الدين الخالص والذين اتخذوا من دونه أولياء قل ما نعبدهم الا ليقربونا الى الله زلفى) و فى سورة الزمر ايضا اية (٤٣) ام اتخذوا من دون الله شفعاء قل اولوكانوا لا يملكون شيئا ولا يعقلون) و ايضا فى سورة الزمر اية (٤٤) قل لله الشفاعة جميعا له ملك السموات والارض ثم اليه ترجعون) و قال تعالى لحبيبه محمد صلى الله عليه وسلم فى سورة الجن اية (٢١) (قل انى لا املك لكم ضرا ولا رشدا) و هذا يدل ان النبى صلى الله عليه وسلم لا يملك ضرا ولا رشدا لان النفع والضر بيد الله تعالى كما قال تعالى فى سورة سبأ اية (٢٢) (قل ادعوا الذين زعمتم من دون الله لا يملكون مثقال ذرة فى السموات ولا فى الارض وما لهم فيهما من شرك وما له منهم من ظهير) و هذه الاية الكريمة تدل على ان الله تبارك و تعالى هو المعبود الحق الواحد القهار المتصرف خالق السموات والارض وما بينهما و هو النافع والضار بيده الموت والحياة والذين يدعون من دونه لا يملكون مثقال ذرة فى اى شئ، فاذا عرفنا هذا كله

any helper among them.''

The above holy verse indicates that Allāh, the Blessed, the Supreme, is the True God to be worshipped, the only One, the Almighty, the Disposer, the Sole Creator of the heavens and the earth and whatever is in them. He is the Benefactor and Controller of harm, life and death. Those who call upon others besides Him do not own even an atom in anything.

When we know all this, how can we ascribe partners to Him and worship others and invoke them for help ?

Dear reader, worshipping others along with Allāh is the greatest sin, (1) a sin which will never be forgiven by Allāh, the Elevated, if one dies insisting on such a sin. Such a sinner will be thrown in Hell with the losers, as Allāh says : " Lo ! Allāh forgives not that a partner should be ascribed unto Him. He forgives all other sins to whom He wishes, and whoever

فكيف نشرك بالله و ندعوا غيره ايها القارئ الكريم أن الشرك لذنب عظيم1 و هوالذنب

الذى لا يغفره الله تعالىٰ ان مات عليه و يلقى صاحبه فى جهنم مع الخاسرين كما قال تعالىٰ فى سورة النساء اية (۴۸) (ان الله لا يغفر ان يشرك به و يغفر ما دون ذلك لمن يشاء و من يشرك بالله فقد افترى اثما عظيما) ۔

وكما قال فى سورة الزمر آية (٦٥) (ولقد أوحى اليك والى الذين من قبلك لان اشركت ليحبطن عملك ولتكونن من الخاسرين) وفى سورة الانعام آية (٨٨) (ذلك هدى الله يهدى به من يشاء من عباده ولو اشركوا لحبط عنهم ما كانوا يعملون) ۔

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(1) لكى نتجنب هذا الذنب العظيم (الشرك بالله) من الضرورى ان نعرف انواع توحيد الله توحيد الله ثلاثة اقسام ۔

(الف) توحيد الربوبية و هو ان تعتقد ان رب العالمين واحد و هوالله سبحانه ۔

(ب) توحيد الالوهية ، ان تعتقد انه لا احد يستحق العبادة الا الله تعالىٰ ۔

(ج) توحيد الاسماء والصفات، ان تعتقد اولا (۱) لا نسمى الله تعالىٰ ولا نصفه الا بما جاء فى كتابه او على لسان رسوله صلى الله عليه وسلم ، (۲) لا يجوز ان يسمى احد او يوصف باسماء الله تعالىٰ او صفاته كالرحمن والكريم ، (۳) يجب ان نثبت لله تعالىٰ كل ما اثبته لنفسه من الاسماء والصفات فى كتابه القران او اثبته له رسوله محمد صلى الله عليه وسلم فى حديثه بدون تحريف للمعانى ولا تشبيه ولا تمثيل بالمخلوقين ، فهذهانواع التوحيد الثلاثة تتضمنها شهادة ان لا اله الا الله ۔

(د) و توحيد اتباع الرسول صلى الله عليه وسلم تتضمنه شهادة ان محمدا رسول الله صلى الله عليه وسلم فلا يستحق الاتباع بعد كتاب الله (القرآن) الا رسول الله صلى الله عليه وسلم ۔

(1) In order to avoid this great sin (Shirk) one should know "Tuheed".

ascribes partners to Allāh has indeed invented a tremendous sin." (Sūrat-an-Nisāʾ, verse 48) "If you ascribe partners unto Allāh, all your deeds will be in vain, and definitely you will be one of the losers." (Sūrat-az-Zumar, 65) "But if they set up (for worship) aught (partners besides Him) all they did would be in vain." (Sūrat-al-Anʿām, 88).

Dear reader, ascription of partners to Allāh may appear in various shapes. The Muslim religious scholars have written many exhaustive lengthy books on the subject, but I would like to show to you briefly some observations about what is prevalent among the Muslims of the present era.

Some people worship saints and pious men besides Allāh though they know that worshipping should be for Allāh only, but they think that those saints and pious men will bring them nearer to Allāh and wil intercede for them with Him. That is one type of Shirk (i. e. polytheism) and the proof is the statement of Allāh, the Elevated: " They (Jews and Christians) have taken as lords besides Allāh their rabbis and their monks and the Messiāḥ, Mary's son, when they were bidden to worship only One God. There is no God except Him. Be He glorified from all that they ascribe as partners unto Him." (Sūrat-at-Tauba, 31)

Once while Allah's Aopstle (Peace be upon him) was reciting the above verse,

ايها القارئ الكريم الاشراک بالله ينقسم الى اقسام عديدة ، و قد كتب فى ذلک علماء الاسلام كتب كثيرة مطولة ما فيه الكفاية ولكننى اريد ان ابين لكم الاشياء الواقعة فى هذا الزمن بين المسلمين مختصرة ، ان بعض الناس يعبدون الاولياء والصالحين مع الله وهم يعتقدون ان العبادة لله وحده ولكنهم يعتقدون ان هؤلاء الاولياء والصالحين يقربونهم عندالله و يشفعون لهم و هذا من انواع الشرک والدليل على ذلک قوله تعالى فى سورة التوبة اية (٣١) (اتخذوا احبارهم ورهبانهم اربابا من دون الله والمسيح ابن مريم وما امروا الا ليعبدوا الها واحدا لا اله الا هو سبحانه عما يشركون) فقال عدى ابن حاتم لرسول الله صلى الله عليه وسلم انهم لم يعبدوهم فقال رسول الله صلى الله عليه وسلم بلى انهم جرموا عليهم الحلال واحلوا لهم الحرام فاتبعوهم فذلک عبادتهم اياهم رواه الامام احمد والترمذى و ابن جرير، و فى سورة يونس اية (١٨) (ويعبدون من دون الله ما لا يضرهم ولا ينفعهم و يقولون هؤلاء شفعاؤنا عندالله قل اتنبؤن الله بما لا يعلم فى السموات ولا فى الارض سبحانه و تعالى عما يشركون ـ

ʿAdī bin Ḥātim said, "O Allāh's Apostle! They do not worship them (rabbis and monks)." Allāh's Apostle (Peace be upon him) said, "They certainly do. They (rabbis and monks) made legal things illegal, and illegal things legal, and they (Jews and Christians) followed them ; and by doing so they really worshipped them" (narrated by Aḥmad, At-Tirmidhī, and Ibn Jarīr).

In Sūrat-Yūnus, verse 18, Allāh says, "They worship besides Allāh that which neither hurts them nor profits them and they say : These are our intercessors with Allāh. Say : Would you inform Allāh of (something) that He does not know in the heavens or in the earth ? Praised be He and high Exalted above all that you ascribe (unto Him)."

Dear reader, in the same way, the worship of the graves of saints and pious men is a type of Shirk. What is meant by worshipping them is to invoke them, or make offerings to them, or vow to them, and the like. They believe that if one does not do so, one will not achieve one's goal.

Dear reader, Belief in Allāh means to believe that only Allāh has the possession of everything and can dispose of everything and if any person thinks that a pious man or a saint or a prophet besides Allāh can do anything for him, he is really associating partners unto Allāh.

Dear reader, if one swears by anything other than Allāh, e.g. by your life, by the Prophet, one is actually associating partners

ایها القارئ الکریم کذلک عبادة القبور الاولیاء والصالحین نوع من انواع الشرک والمقصود بعبادتها والدعاء والذبح لهم والنذر لهم و نحو ذلک و من ذلک یعتقدون اذا لم یذبح لهم او ینذر لهم فان الحاجة لا تقضی

ایها القارئ الکریم الایمان بالله هو الاعتقاد بان الله وحده هو الذی یملک کل شئ و یتصرف فی کل شئ ولو اعتقد ای انسان بان الصالح او الولی او النبی یملک له شیئا من دون الله فقد اشرک بالله ۔

ایها القاریء الکریم کذلک من حلف بغیر الله فقد اشرک وکفر مثلا کقوله و حیاتک والنبی وما اشبه ذلک و قد ورد ان عمر ابن الخطاب رضی الله عنه کان یحدث بعض اخوانه فقال لا وابی فسمعه النبی صلی الله علیه وسلم فقال لا تحلفوا بابائکم فمن کان حالفا فلیحلف بالله او یصمت فقال عمر رضی الله عنه منذ سمعت من رسول الله فما اوردته علی لسانی ذاکرا ولا اثرا و هذا من الشرک الاصغر وقد یکون من الشرک الاکبر فی بعض الاحیان علی حسب ما یکون فی قلب الحالف من تعظیم المخلوق کتعظیم الخالق ۔

unto Allāh and turns into an unbeliever. It is reported that ʿUmar bin Al-Khaṭṭāb رضي الله عنه, while talking to some of his Muslim brethren, said, "No, I swear by my father." The Prophet (Peace be upon him) heard him and said, "Don't swear by your fathers. Whoever takes an oath should swear by Allāh or keep quiet." ʿUmar further said, "Since I heard its forbiddance from Allāh's Apostle (Peace be upon him), I have never uttered it." This is minor Shirk, but it may be regarded as major Shirk sometimes if one reveres and magnifies the thing one swears by as one reveres and magnifies Allāh.

Dear reader, offering sacrifices to any other than Allāh is Shirk. It does not befit a Muslim to practise any such thing except for Allāh's sake, as He says in Surat-al-Kauther : "Lo ! We have given you Abundance, so pray unto your Lord and sacrifice."

Dear reader, look at the companions of the Prophet (Peace be upon him) and the early believers ; when they heeded and believed this Prophet's teachings and followed him and believed in what he had brought, a great revolution took place in their thoughts, deeds, manners, and social and political affairs. By dint of that they were able to establish their supermacy over the nations of the east and the west in a short period, and set a good example for those nations. Wherever they went, they ruled with justice, honesty, and equality. They established educational centres and the like, and opened a university in

ايها القارى' الكريم كذلك الذبح لغير الله شرك ولا ينبغى لأى مسلم ان يفعل اى شئ من ذلك الا لله كقوله تعالى فى سورة الكوثر (انا اعطيناك الكوثر فصل لربك وانحر) ۔

ايها القارئ الكريم انظر الى اصحاب رسول الله صلى الله عليه وسلم والرعيل الاول من الصحابة والمؤمنين انهم حينما سمعوا و صدقوا هذا النبى واتبعوه وامنوا بما جاء به حدث انقلاب شديد فى افكارهم واعمالهم و ادابهم و فى معاشرتهم و سياستهم و بذلك تمكنوا فى زمان قصير من السيطرة على مشارق الارض و مغاربها و كانوا قدوة للامم و اينما توجهوا

Cordova in Spain and elsewhere. The Europeans learned much from these universities and from the Muslims ; and after the Crusades, they awoke and the new role of all Europe started to stand against Islam and to build up modern technology and industries.

In the meantime the Muslims began to desert Allāh's Book and the traditions of their Prophet gradually. They abadoned the Jihād in Allāh's Cause and started fighting each other. They turned into liars and treacherers and deserted Allāh's orders and the traditions of their Prophet. They, with the exception of a few whom Allāh has chosen, no longer observe justice and has become like the people described by Allāh, the Elevated, in Sūrat-al-Ḥashr, verse 19 : "And don't be like those who forgot Allāh ; and He made them forget their own souls ! Such are the rebellious transgressors !" This has been Allāh's law amongst His creatures since He created them, as Allāh says in the Qudsī Ḥadīth : "He who comes nearer to me for a distance of a span, I come nearer to him for a distance of an armlength, and he who comes to me walking, I come to him running."

It is incumbent on all the Muslims to love Allāh very much. Allāh says : "Those who believe are stauncher in their love for Allāh." (Sūrat-al-Baqara, 165). Love for the Apostle is also imperative for every Muslim, who must love the Apostle more than himself. Such love is beneficial only if one acts upon what the Apostle has enjoined, and avoids what he has prohibited,

حكموا بالعدل والاناف والمساواة و فتحوا مراكز التعليم وما اشبه ذلک و فتحوا جامعة للتعليم فى الاندلس بقرطبة و غيرها الاوروبيون استفادوا من هذه الجامعات و من المسلمين و بعد الحروب الصليبية استيقظوا و جاء الدور الجديد فى اوروبا كلها للاستعداد لمحاربة الاسلام و اكتشاف الآلات الحديثة والصناعة ؛ و فى نفس الوقت تخلى المسلون من كتاب الله و سنة نبيه شيئا فشيئا فتركوا الجهاد فى سبيل الله و قاتل بعضهم بعضا فكذبوا و غشوا و تركوا او امر الله و سنة نبيهم و اضاعوا العدل والانصاف الا من شاء الله ، فبذلک اصبحوا كما قال تعالى فى سورة الحشر اية (١٩) (ولا تكونوا كالذين نسوا الله فانساهم انفسهم اولئک هم الفاسقون) و هذه سنة الله فى خلقه منذ خلقهم كما جاء فى حديث القدسى (من تقرب الى شبرا تقربت اليه باعا و من جائنى ماشيا جئته هرولة) فالواجب على جميع المسلمين يحبوا الله كثيرا كما قال تعالى (والذين امنوا اشد حبا لله) و كذلک محبة رسول الله صلى الله عليه وسلم واجبة على كل مسلم و ان يحب الرسول اكثر من نفسه والمحبة انما تنفع باتباع ما امر به والتجنب ما نهى عنه صلى الله عليه وسلم كما قال تعالى فى سورة آل عمران اية (٣١) (قل ان كنتم تحبون الله فاتبعونى يحببكم الله و يغفرلكم ذنوبكم والله غفور رحيم)-

as Allāh, the Glorious says : "Say : If you do love Allāh, follow me. Allāh will love you and forgive you your sins ; for Allāh is Oft-forgiving, Most Merciful. (Al-'Imrān, 31). The Prophet (Peace be upon him) says : "None of you has real faith unless he loves me more than his son, father and all the people." He said to 'Umar : "You will not have belief unless and until you love me more than your soul which is between your two-sides."

The Jihād (striving) for Allāh's Cause with one's wealth and one's soul is a sign of loving Allāh and His Apostle. The Jihād may be in the shape of fighting in Allāh's Cause or conveying His message to make His word glorious. Sometimes, the Jihād may take the form of controlling oneself and one's desire, so that one avoids what is prohibited by Allāh. The honest striving to earn one's own and one's dependents' living is Jihād in Allāh's Cause.

Dear reader, nowadays all the world is in need of the true religious teachings which Muḥammad (Peace be upon him) has brought, i.e. the Holy Qur'ān and his Holy Traditions. The world has advanced greatly in the field of industry and the like, but it would be beneficial for them to believe in what Muḥammad (Peace be upon him) has brought and to follow the light which he has brought. Then they would gain happiness in this life and in the Hereafter.

So it is incumbent upon us, Muslims, to follow the path which Allāh's Apostle adopted and to avoid polytheism and heresy

و قال صلى الله عليه وسلم لا يؤمن احدكم حتى اكون احب اليه من ولده و والده والناس اجمعين و قوله صلى الله عليه وسلم لعمر رضى الله عنه لا تؤمن حتى اكون احب اليک من نفسک التى بين جنبيک ۔

والجهاد فى سبيل الله بالمال والنفس من محبة الله و رسوله والجهاد قد تكون قتالا فى سبيل الله او تبليغا لاء علاء كلمة الله ، وتارة قد يكون جهادا للنفس لتتجنب محارم الله و كذلک السعى فى طلب الرزق الحلال لأولاده و من يعولهم جهادا فى سبيل الله ۔

ايها القارئ الكريم فى الوقت الحاضر العالم كله يحتاج الى تعاليم الدين الصحيح الذى جاء به محمد ابن عبدالله صلى الله عليه وسلم و هو القرآن الكريم و سنته الشريفة وقد تقدمت الدنيا باسرها فى الصناعات لغيرها ولو ان الناس امنوا بما جاء به محمد صلى الله عليه وسلم واتبعوا النور الذى جاء به لكان خيرا لهم واقوم و حصلوا على سعادة الدنيا والآخرة ۔

فالواجب علينا ايها المسلمون ان نتبع الطريق الذى سلكه رسول الله صلى الله عليه وسلم و نتجنب الشرک والبدع بانواعها و ان نجعل

in all its shapes and to take the Holy Qur'ān and the Holy Traditions as torched in front of us to guide us. We have to teach our brethren and convey the message to non-Muslims all over the world as much as possible. We have to prepare ourselves to stand in the face of our enemy and to possess the means of power and to participate in the progress of useful industries in order to protect our religion and be powerful enough to face our enemy, as Allāh, the Elevated says in Sūrat-al-Anfāl, 60 : "Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemy of Allāh and your enemy, and others besides, whom you may not know, but whom Allāh does know. Whatever you shall spend in the Cause of Allāh, shall be repaid to you, and you shall not be treated unjustly." The Prophet (Peace be upon him) said, "A strong believer is better and more beloved to Allāh than a weak one, ; yet in both there is good. So seek what benefits you and depend on Allāh, but don't be lazy." (narrated by the narrator Muslim).

Finally, nothing is incumbent upon the Apostle except the evident conveyance of the message, for Allāh Himself guides whomever He likes to the straight path.

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القرآن الكريم والسنة النبوية نورا امامنا و نهتدى بها و نعلم اخواننا و نبلغ غير المسلمين هذه الطريقة فى مشارق الارض و مغاربها بقدر الاستطاعة كما علينا ان نستعد لأعدائنا و نأخذ بالقوة و نشارك فى الصناعات النافعة لنحفظ ديننا و نستعد لعدونا كما قال تعالى فى سورة الانفال اية (٦٠) . (وأعدوا لهم ما استطعتم من قوة ومن رباط الخيل ترهبون به عدوالله وعدوكم وآخرين من دونهم لا تعلمونهم الله يعلمهم وما تنفقوا من شئ فى سبيل الله يوف اليكم وانتم لا تظلمون و قال النبى صلى الله عليه وسلم المؤمن القوى خير و احب الى الله من المؤمن الضعيف و فى كل خير واحرص على ما ينفعك واستعن بالله ولا تعجز، الحديث رواه مسلم ، وما على الرسول الا البلاغ المبين والله يهدى من يشاء الى صراط مستقيم -

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In the name of Allāh,
the most Beneficent, the most Merciful

INTRODUCTION II

We have noticed that most of the Europeans, and others, who embrace Islām, do not understand the reality of the meaning of (the first fundamental principle of Islamic faith) i. e. " None has the right to be worshipped but Allāh and Muḥammad (peace be upon him) is Allāh's Apostle." So, I consider it very necessary to explain something of the meaning of this Great Sentence (i. e. Principle) in some detail.

So, you O man ! Who have surrendered to Allāh's Will (as a Muslim), when you have testified and have truely believed that " None has the right to be worshipped but Allāh, and Muḥammad (peace be upon him) is Allāh's Apostle."

A. It is as if you have pledged a covenant with Allāh, the Creator of the Heavens and Earth, the Ruler of all the worlds, the Lord of Majesty and Highness, on four points, or conditions.

بسم الله الرحمن الرحيم

(المقدمة الثانيه)

لاحظنا أن الكثير ممن يدخلون الاسلام حديثًا من أوربيين و غيرهم لا يعرفون حقيقة معنى لا إله الا الله محمد رسول الله ، و لذلك رأيت أن أشرح بشئ من الاستفاضة معنى هذه الجملة العظيمة .

فأنت أيها المسلم اذا شهدت بذلك و آمنت بأنه لا اله الا الله محمد رسول الله ـ

(الف) فكأنما وقعت عقداً من أربعة بنود مع الخالق جل و علا .

Point I. A confession with your heart that the Creator (of everything) is Allāh, it is as if you are saying : " I testify that the Creator of all the universe, including the stars, the planets, the moons, the Heavens, the Earth with all its known and unknown forms of life, is Allāh. He is the Organizer and Planner of all its affairs. It is He Who gives life and death. And He (i. e. Allāh Alone) is the Sustainer, and the Giver of security." And this is called (your confession for the) " Unity of Lordship."

Point II. A confession with your heart, as if you are saying : " I testify that None has the right to be worshipped but You (i.e. Allāh) Alone, You have no partners besides you." The word " Worship " (i. e. ʿAebādah) carries a great number of meanings in Arabic language, it conveys that all kinds of worship are meant for Allāh (and None else, whether it be angel, apostle, prophet, saint, idol, Jesus, the Son of Mary, Muḥammad, peace be upon them, the sun, the moon, and all other kinds of false things and deities), so pray to None but Allāh, invoke None but Allāh, ask for help from None (unseen) but Allāh, swear by None but Allāh, slaughter a sacrifice for None but Allāh, ... etc. In other words all what Allāh and His Apostle orders you to do (in His Book "the Qurʾān") you must do and all what He and His Apostle forbids you, you must not do, is called " Worship ". And this is called (your confession for the) " Unity of Worship." And that is you, (mankind), worship None but Allāh !

(١) البند الأول :ـــ التصديق بالقلب بأن الخالق هو الله ، كأنك تقول اللهم إنى أشهد أن خالق هذا الكون كله من شموس و أقمار وسماوات و أرض بما فيها من نبات شتى ، و حيوانات مختلفة هو الله ، و أن منظم هذا الكون، و مدبر أمر الخلائق كلها هو الله ، و أن المحى و المميت والرازق والمهيمن هو الله (وهذا هو توحيد الربوبية)

(٢) البند الثانى :ـــ التصديق بالقلب كأنه تقول :..... ''اللهم إنى أشهد بأنه لا يستحق أن يعبد الاّ أنت وحدك لاشريك لك، والعبادة باللغة العربية كلمة مجملة تحمل كل معانى العبودية لله فلا تصلى الاّ لله، ولا تتضرع و تستغيث الاّ بالله، ولا تحلف الاّ بالله، ولا تذبح الاّ لله... الخ و بعبارة آخرى : فكل ما أمر الله و رسوله فى القران والسنة فأتمروا به و ما نهاكم عنه فانتهوا عنه و هذا هو ما يسمى بالعبادة (و هذا هو توحيد الألوهية) و هو توحيد العبادة .

Point III. A confession with your heart, as if you are saying : "O Allāh ! I testify that all the best of names and the most perfect qualities with which You have qualified Yourself in Your Book (i. e. the Qur'ān), or as Your Prophet (Muḥammad, peace be upon him) has qualified You with his statement, 'I confirm that all those (names and qualifications) are for You, without changing their meaning or neglecting them completely, or giving resemblance to others.' " As Allāh said: "There is nothing like unto Him, and He is the Hearer, the Seer."(42 : 11) This Holy Verse confirms the quality of hearing and the quality of sight, for Allāh, without resemblance to others, and similarly he said: "That which I have created with both My Hands (38 : 75)". And He also said: " The Hand of Allah is over their hands." (48 : 10). This confirms the hand, for Allāh, but there is no similarity for it. Also an other example, Allāh said: "The Beneficent (i.e. Allāh) arose over the (Mighty) Throne." (20 : 5). So He arose over the Throne really in a manner that suits His Majesty. And Allāh is over the Heavens, as the slave girl pointed towards the Heavens, when Allāh's Apostle (Muḥammad, peace be upon him) asked her as to where is Allāh ? It is not like that, as some people say that Allāh is present in the creatures (i.e. human beings, etc.) This is strongly contradicted by Allāh and His Apostle (Muḥammad, peace be upon him). Almighty Allāh is not

(٣) البند الثالث :ـ التصديق بالقلب كأنه تقول :..... ’’اللهم إنى أشهد بأن كل الأسماء الحسنى ، والصفات الكاملة التى وضعت بها نفسك فى كتابك أو جاءت على لسان نبيك صلى الله عليه وسلم ـ نثبتها لك بدون أى تأويل أو تعطيل أو تشبيه (ليس كمثله شئ و هوالسميع البصير) فهذه الآية الكريمة تثبت لله السمع و البصر دون أن يكون لهذا شبيهًا وكذلك قوله (لما خلقت بيدى ٥٧ : ٣٨) و كذلك (يد الله فوق أيديهم ١٠ : ٤٨) تثبت و جود اليد لله و لكنها ليس كمثلها شئٌ ، و مثل (الرّحمن على العرش استوى) فهو قد استوى حقًا استواءً يليق بجلاله ، و الله فوق السماوات كما أشارت الجارية عند ما سألها الرسول صلى الله عليه وسلم ـ أين الله ؟ أشارت نحوالسماء ، و ليس كمن يقول ، بوحدة الوجود و حلول الخالق جلّ و علا فى المخلوقات و هو ما ينكر الله و رسوله ، و الله لا يحل فى أحد مخلوقات حتى المسيح بن مريم ، جبريل او اى ملك آخر

كل هذه ارواح مخلوقة خلقها الله جلّ وعلا و هو توحيد الاسماء والصفات و هذه هى العقيدة الصحيحة للرسل و للسلف الصالح و اتباعهم الصالحين ـ

present in any of his Creatures, even Christ, the Son of Mary, Gabriel, or any of the angels, they are only souls (etc.) created by Allāh. And this is called (your confession for the) " Unity of the Names and the Qualities of Allāh", and this is the Right Faith, and the faith which was followed by the apostles of Allāh (from Noaḥ, Abraham, Moses, David, Saloman, Christ Muḥammad (peace be upon them) and all the others) and the companions of the Prophet Muḥammad (peace be upon him) and the righteous followers of those apostles.

Point IV. A confession with your heart as if you are saying : " O Allāh ! I testify that Muḥammad (peace be upon him)is Allāh's Apostle," that means that None has the right to be followed after Allāh, but the Prophet Muḥammad (peace be upon him) as Allāh said : " And whatever Apostle (i. e. Muḥammad peace be upon him) gives you, take it and whatever he forbids you, abstain (from it)" (59 : 7) and also Allāh said : So, " Say (O Muḥammad !) If you love Allāh then follow me." (3 : 31).

As for others than Muḥammad (peace be upon him) their statements either to be taken or rejected, if it is in accordance with Allāh's Book (i. e. the Qur'ān) or with the Tradition of the Prophet (peace be upon him)i.e. "Sunna". As the Divine Inspiration has stopped after the death of the Prophet (peace be upon him) and it will not resume except at the time of the Descent of Jusus, the son

(٤) البند الرابع :ـ التصديق بالقلب

كأنك تقول:..... ،، اللهم إنى أشهد أن محمداً رسول الله معناها أنه لا أحد له حق الاتباع بعد الله الا النبى محمد صلى الله عليه وسلم ـ كما قال الله تعالى:ـ و ما آتاكم الرسول فخذوه و ما نهاكم عنه فانتهوا (٧ : ٥٩) : (قل ان كنتم تحبون الله فاتبعونى يحببكم الله ٣١ : ٣) أما غيره ـ صلى الله عليه وسلم ـ فيؤخذ من قوله و يترك حسب مطابقته للكتاب و السنة ، و قد انقطع الوحى بو فاة الرسول صلى الله عليه وسلم ولا ينزل بعد ذلك الا عند نزول عيسى بن مريم عليهما السلام ـ حكما عدلاً بشريعة محمد صلى الله عليه وسلم ـ فى آخر الزمان كما وزد فى الأحاديث الصحيحة: رقم ٤٣٧ الجزء ٣ الصحيح البخارى ـ

of Mary and he (i.e. Jesus) will rule with justice according to the Islamic Laws, during the last days of the world, as it has been mentioned in the True Ḥadīth (i. e. Narration) of the Prophet Muḥammad (peace be upon him). See Ḥadīth No. 437 Volume III Ṣaḥīḥ-ul-Bukhārī.

B. It is essential to utter, " None has the right to be worshipped but Allāh, and Muḥammad (peace be upon him) is His Apostle." As it has come in the statement of the Prophet Muḥammad (peace be upon him) to his uncle Abū Ṭālib at the time of the latter's death : " O uncle, if you utter it (' None has the right to be worshipped but Allāh, and Muḥammad is His Apostle'), then I shall be able to argue on your behalf in front of Allāh, on the Day of Resurrection." Similary, when Abū Dhar Al-Ghaffārī, embraced Islām, he went to the mosque of Mecca (i. e. Ka'ba), and he proclaimed it loudly in front of the Quraish infidels until he was severely beaten.

(ب) النطق باللسان بلا اله الاّ الله و أن محمداً رسول الله واجب كما جاء فى قول النبى صلى الله عليه وسلم - لأبى طالب فى مرض وفاته يا عم لو قلتها لاحتججت لك بها يوم القيامة (أو كما قال) ، و كما أن أبا ذر الغفارى لما أسلم اتجه نحو الكعبة و نطق بصوت عال أمام صناديد قريش حتى ضرب ضرباً مبرحا .

(C.) It is essential that one's body parts testify to its, and this is very important as regards its meaning (i.e. the meaning of " None has the right to be worshipped but Allāh, and Muḥammad (peace be upon him) is His Apostle "). So whoever has confessed this (with his Lord), he shall not commit sins like, stealing, illegal sexual intercourse, drinking alcoholic drinks, taking advantage

(ج) التصديق بالجوارح و هذا مهم جداً فى مفهوم لا اله الاّ الله محمد رسول الله فمن اعتقد بها لم يسرق ولم يزن ولم يشرب الخمر ولم يأكل مال اليتيم ولم يغش الله ولم يأكل الرشوة ولا المال الحرام و ان حدث له شيئ من ذلك أدرك أنه معصية تلزمه التوبة منه و الإنابة الى الله فإن الجوارح تشهد بذلك يوم القيامة .

of orphan's property, cheating in trade, bribery and to earn money through illegal means, etc. In case he commits the above sins, he should know that it is a sin that obliges him to repent to Allāh, and ask His Forgiveness, as (his) the body parts (i.e. skin, private parts, hands, tongue, ears, all) testify the above crimes (i. e. actions) against the very soul of the one who did them on the Day of Resurrection.

And with the confession of this Great Sentence (i. e. Principle) a person enters (i.e. embraces) the Islamic Religion accordingly; it is essential for him to believe in all the apostles, and not to differentiate between them. As it is mentioned in Allāh's Book (18 : 102 to 110). Allāh said :

(102) "Do the disbelievers think that they can take My Slaves (i. e. the angels, Jesus, the Son of Mary, etc.) as protectors besides Me? Verily, We have prepared Hell, as an entertainment for the disbelievers.

(103) Say (O Muḥammad !) : Shall We tell you of those who will loose most in respect of their deeds ?

(104) Those whose efforts have been waisted in this life, while they thought they were acquiring good by their works .

(105) They are those who deny the (Signs) of their Lord, and in the meeting with Him (in the Hereafter), so their works are in vain, and on the Day of Resurrection We shall not give them any weight.

و بالاقرار هذه الكلمة العظيمة يدخل الرجل فى الاسلام و عليه بموجبها أن يوالى جميع الرسل و لا يفرق بين الرسل و هذا مذكور فى كتاب الله فى آخر سورة الكهف : قال تعالى :

أَفَحَسِبَ الَّذِينَ كَفَرُوا ان يَتَّخِذُوا عِبَادِى مِنْ دُونِى أَوْلِيَاءَ إِنَّا أَعْتَدْنَا جَهَنَّمَ لِلْكَافِرِينَ نُزُلاً .

قُلْ هَلْ نُنَبِّئُكُم بِالأَخْسَرِينَ أَعْمَالاً ۔

الَّذِينَ ضَلَّ سَعْيُهُمْ فِى الحَيَوٰةِ الدُّنيَا وَهُمْ يَحْسَبُونَ انَّهُمْ يُحْسِنُونَ صُنْعًا ۔

أُولَئِكَ الَّذِينَ كَفَرُوا بِآيَتِ رَبِّهِمْ وَلِقَآئِهِ فَحَبِطَتْ أَعْمَالُهُمْ فَلاَ نُقِيمُ لَهُمْ يَوْمَ القِيَامَةِ وَزْنًا ۔

(106) That is their reward, Hell, because they disbelieved and took My Signs and apostles by way of jest and mockery.

ذَٰلِكَ جَزَآؤُهُمْ جَهَنَّمُ بِمَا كَفَرُوا وَاتَّخَذُوا آيَاتِي وَرُسُلِي هُزُوًا ۔

(107) Verily! As to those who believe, and do righteous deeds, they shall have the Gardens of Al-Firdous (Paradise), for their entertainment.

إِنَّ الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ كَانَتْ لَهُمْ جَنَّاتُ الْفِرْدَوْسِ نُزُلًا ۔

(108) Wherein they shall dwell (forever), no desire will they have to be removed from there.

خَالِدِينَ فِيهَا لَا يَبْغُونَ عَنْهَا حِوَلًا ۔

(109) Say (O Muḥammad!): If the ocean were ink (with which to write) the Words of my Lord, sooner would the ocean be exhausted, than would the Words of my Lord, even if we added another ocean like it for its aid.

قُلْ لَوْ كَانَ الْبَحْرُ مِدَادًا لِكَلِمَاتِ رَبِّي لَنَفِدَ الْبَحْرُ قَبْلَ أَنْ تَنْفَدَ كَلِمَاتُ رَبِّي وَلَوْ جِئْنَا بِمِثْلِهِ مَدَدًا ۔

(110) Say (O Muḥammad!): I am only a man like you, I have been inspired that your god is One God (i.e. Allāh), so whoever hopes for the meeting with his Lord, let him work righteousness and associate None as a partner in the worship of his Lord."

قُلْ إِنَّمَا أَنَا بَشَرٌ مِثْلُكُمْ يُوحَىٰ إِلَيَّ أَنَّمَا إِلَٰهُكُمْ إِلَٰهٌ وَاحِدٌ فَمَنْ كَانَ يَرْجُوا لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا صَالِحًا وَلَا يُشْرِكْ بِعِبَادَةِ رَبِّهِ أَحَدًا ۔ ،،

This introduction is necessary to everybody who wishes to embrace Islam. After this confession, he should take a bath (shower, G͟husel) and then offer a two Rakʿat prayer, and act on the Five Principles of Islām. See Ḥadīt͟h No. 47, Vol. 1.

هذه المقدمة ضرورية جداً لكل من يريد أن يدخل فى دين الاسلام و بعد هذا لا بد أن يغتسل و يصلى ركعتين و يؤدى كل الأصول الخمسة للدين الاسلامى

Praise be to the Lord of the Worlds and peace be upon the Master of the Apostles (i. e. Muḥammad ﷺ) his family and companions.

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والحمد الله رب العالمين والصلاة والسلام على سيد المرسلين (محمد صلى الله عليه وسلم) وعلى آله وأصحابه.

الدكتور محمد محسن خان
الجامعة الاسلامية
المدينة المنورة

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In the name of Allāh,
the most Beneficent, the most Merciful

بسم الله الرحمن الرحيم

CHAPTERS OF THE ʿUMRA

أبواب العمرة

CHAPTER. The obligation of performing ʿUmra and its superiority. Ibn ʿUmar said, "The Ḥajj and the ʿUmra are obligatory for everybody." And Ibn ʿAbbās said, "ʿUmra is mentioned in conjunction with Ḥajj in the Book of Allāh عَزَّ وَجَلَّ: 'Complete (perfom properly) the Ḥajj and the ʿUmra for Allāh's sake.'" (2 : 196)

بابُ وجُوبِ العُمْرَةِ وفَضْلِها.
وقالَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: لَيْسَ أَحَدٌ إلاَّ وعَلَيْهِ حَجَّةٌ وعُمْرَةٌ.
وقالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: إنَّها لَقَرِينَتُها في كِتابِ اللهِ عَزَّ وجَلَّ - وأَتِمُّوا الحَجَّ والعُمْرَةَ للهِ -.

1. Narrated Abū Huraira: Allāh's Apostle ﷺ said, "(The performance of) ʿUmra is an expiation for the sins committed (between it and the previous one). And the reward for Ḥajj Mabrūr (the one accepted by Allāh) is nothing other than Paradise."

١ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنْ سُمَيٍّ مَوْلَى أبي بَكْرِ ابْنِ عَبْدِ الرَّحْمَنِ، عَنْ أبي صالِحٍ السَّمَّانِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ قالَ: العُمْرَةُ إلى العُمْرَةِ كَفَّارَةٌ لِما بَيْنَهُما، والحَجُّ المَبْرُورُ لَيْسَ لَهُ جَزاءٌ إلاَّ الجَنَّةُ.

CHAPTER. The performance of ʿUmra before Ḥajj.

بابُ مَنِ اعْتَمَرَ قَبْلَ الحَجِّ.

2. Narrated Ibn Juraij: ʿIkrima bin Khālid asked Ibn ʿUmar about per-

٢ - حدَّثَنا أحْمَدُ بنُ مُحَمَّدٍ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا ابنُ جُرَيْجٍ: أنَّ

performing ʿUmra before Ḥajj. Ibn ʿUmar replied, " There is no harm in it." ʿIkrima said, " Ibn ʿUmar also said, ' The Prophet ﷺ had performed ʿUmra before performing Ḥajj.' "

عِكْرِمَةَ بنَ خالِدٍ سألَ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ العُمْرَةِ قَبْلَ الحَجِّ فقالَ: لا بَأْسَ. قالَ عِكْرِمَةُ قالَ ابنُ عُمَرَ: اعْتَمَرَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ قَبْلَ أنْ يَحُجَّ. و قالَ إبراهيمُ ابنُ سَعْدٍ، عَنِ ابنِ إسحاقَ: حدَّثَني عِكْرِمَةُ بنُ خالِدٍ: سألْتُ ابنَ عُمَرَ مِثْلَهُ.

3. Narrated ʿIkrima bin Khālid : " I asked Ibn ʿUmar ؓ the same (as above)."

٣ ـ حدَّثَنا عَمْرُو بنُ عَلِيٍّ: حدَّثَنا أبُو عاصِمٍ: أخْبَرَنا ابنُ جُرَيْجٍ: قالَ عِكْرِمَةُ بْنُ خالِدٍ: سألْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما مِثْلَهُ.

CHAPTER. How many times did the Prophet ﷺ perform ʿUmra ?

بابٌ كَمِ اعْتَمَرَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ ؟

4. Narrated Mujāhid : ʿUrwa bin Az-Zubair and I entered the Mosque (of the Prophet ﷺ) and saw ʿAbdullāh bin ʿUmar ؓ sitting near the dwelling place of ʿĀisha and some people were offering the Ḍuḥā prayer. We asked him about their prayer and he replied that it was a heresy. He (ʿUrwa) then asked him how many times the Prophet ﷺ had performed ʿUmra. He replied, " Four times; one of them was in the month of Rajab." We disliked to contradict him. Then we heard ʿĀisha, the Mother of faithful believers cleaning her teeth with Siwāk in

٤ ـ حدَّثَنا قُتَيْبَةُ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصورٍ، عَنْ مُجاهِدٍ، قالَ: دَخَلْتُ أنا و عُرْوَةُ بنُ الزُّبَيْرِ المَسْجِدَ فإذا عَبْدُ اللهِ بنُ عُمَرَ رَضِيَ اللهُ عَنْهُما جالِسٌ إلى حُجْرَةِ عائِشَةَ، وإذا أناسٌ يُصَلُّونَ فى المَسْجِدِ صَلاةَ الضُّحَى، قالَ: فَسَألْناه عَنْ صَلاتِهِمْ فقالَ: بِدْعَةٌ، ثُمَّ قالَ لَهُ: كَمِ اعْتَمَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ؟ قالَ: أرْبَعٌ، إحداهُنَّ فى رَجَبٍ. فكَرِهْنا أنْ نَرُدَّ عَلَيْهِ، قالَ: و سَمِعْنا اسْتِنانَ عائِشَةَ

the dwelling place. ʿUrwa said, "O Mother! O, the Mother of faithful believers! Don't you hear what Abū ʿAbdur Raḥmān is saying?" She said, "What does he say?" ʿUrwa said, "He says that Allāh's Apostle ﷺ performed four ʿUmrās and one of them was in the month of Rajab." ʿĀisha said, "May Allāh be merciful to Abū ʿAbdur Raḥmān! The Prophet ﷺ did not perform any ʿUmra when he was with him, and he never performed any ʿUmra in Rajab."

5. Narrated ʿUrwa bin Az-Zubair: I asked ʿĀisha رضي الله عنها (whether the Prophet ﷺ had performed ʿUmra in Rajab). She replied, "Allāh's Apostle ﷺ never performed any ʿUmra in Rajab."

6. Narrated Qatāda: I asked Anas رضي الله عنه how many ʿUmrās the Prophet ﷺ had performed. He replied, "Four: the ʿUmra of Ḥudaibīya in Dhi-l-Qaʿda when the pagans hindered him, and the ʿUmra of the following year in Dhi-l-Qaʿda after the peace treaty with them (the pagans), and the ʿUmra of Al-Jiʿrāna where he distributed the war booty." I think he meant the booty (of the battle) of Ḥunain. I asked, "How many times did he perform Ḥajj?" He (Anas) replied, "Once."

7. Narrated Qatāda: I asked Anas رضي الله عنه and he replied, "The Prophet ﷺ performed ʿUmra when the pagans made him return, and the ʿUmra of Al-Ḥudaibīya

أمِّ المُؤْمِنِينَ فى الحجْرَةِ ، فقالَ عُرْوَةُ : يا أُمَّاه يا أمَّ المُؤْمِنِينَ ، ألا تَسْمَعِينَ ما يَقُولُ أبُو عَبْدِ الرَّحْمَنِ ؟ قالَتْ . ما يَقُولُ ؟ قالَ يَقُولُ : إنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم اعْتَمَرَ أرْبَعَ عُمُرَاتٍ إحْدَاهُنَّ فى رَجَبٍ . قالَتْ : يَرْحَمُ اللهُ أبا عَبْدِ الرَّحْمَنِ ، ما اعْتَمَرَ عُمْرَةً إلاَّ وهُوَ شاهِدُه ، وما اعْتَمَرَ فى رَجَبٍ قَطُّ .

٥ ـ حدَّثَنا أبُو عاصِمٍ : اخْبَرَنا ابنُ جُرَيْجٍ قالَ : اخْبَرَنى عَطاءٌ ، عَنْ عُرْوَةَ ابنِ الزُّبَيْرِ قالَ : سَأَلْتُ عائِشَةَ رَضِىَ اللهُ عنها قالَتْ : ما اعْتَمَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فى رَجَبٍ .

٦ ـ حدَّثَنا حَسَّانُ بنُ حَسَّان : حدَّثَنا هَمَّامٌ ، عَنْ قَتادَةَ : سَأَلْتُ أنَسًا رَضِىَ اللهُ عَنْهُ كَمِ اعْتَمَرَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم ؟ قالَ : أرْبَعٌ : عُمْرَةُ الحدَيْبِيَةِ فى ذِى القَعْدَةِ حَيْثُ صَدَّهُ المُشْرِكُونَ . وعُمْرَةٌ مِنَ العامِ المُقْبِلِ فى ذِى القَعْدَةِ حَيْثُ صالَحَهُمْ . و عُمْرَةُ الجِعْرَانَةِ إذْ قَسَمَ غَنِيمَةَ ، أُرَاهُ حُنَيْنٍ . قُلْتُ : كَمْ حَجَّ ؟ قالَ : واحِدَةً .

٧ ـ حدَّثَنِى أبُو الوَلِيدِ هِشامُ بنُ عَبْدِ المَلِكِ : حدَّثَنا هَمَّامٌ ، عَنْ قَتادَةَ قالَ : سَأَلْتُ أنَسًا رَضِىَ اللهُ عَنْهُ فقالَ :

the next year, and another ʿUmra in Dhi-l-Qaʿda, and another ʿUmra in combination with his Ḥajj."

8. Narrated Hammām: The Prophet ﷺ performed four ʿUmrās in Dhi-l-Qaʿda except the ʿUmra which he performed with his Ḥajj: His ʿUmra from Al-Ḥudaibīya, and the one of the following year, and the one from Al-Jiʿrāna where he distributed the booty (of the battle) of Ḥunain, and another ʿUmra with his Ḥajj.

9. Narrated Abū Isḥāq: I asked Masrūq, ʿAṭā' and Mujāhid (about the ʿUmrās of Allāh's Apostle ﷺ). They said, "Allāh's Apostle ﷺ had performed ʿUmra in Dhi-l-Qaʿda before he performed Ḥajj." I heard Al-Barā' bin ʿĀzib ؓ saying, "Allāh's Apostle ﷺ had perfomed ʿUmra in Dhi-l-Qaʿda twice before he performed Ḥajj."

CHAPTER. ʿUmra in (the month of) Ramaḍān.

10. Narrated ʿĀṭa': I heard Ibn ʿAbbās ؓ saying, "Allāh's Apostle ﷺ asked an Anṣārī woman (Ibn ʿAbbās named her but ʿĀṭa' forgot her name), 'What prevented you from performing Ḥajj with

اعْتَمَرَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم حَيْثُ رَدُّوهُ، وَمِنَ القَابِلِ عُمْرَةَ الحُدَيْبِيَةِ، وَعُمْرَةً فِي ذِي القَعْدَةِ؛ وَعُمْرَةً مَعَ حَجَّتِهِ.

٨ - حَدَّثَنَا هُدْبَةُ: حَدَّثَنَا هَمَّامٌ وَقَالَ: اعْتَمَرَ أَرْبَعَ عُمَرٍ فِي ذِي القَعْدَةِ إِلاَّ التي اعْتَمَرَ مَعَ حَجَّتِهِ: عُمْرَتَهُ مِنَ الحُدَيْبِيَةِ، وَمِنَ العَامِ المُقْبِلِ، وَمِنَ الجِعْرَانَةِ حَيْثُ قَسَمَ غَنَائِمَ حُنَيْنٍ، وَعُمْرَةً مَعَ حَجَّتِهِ.

٩ - حَدَّثَنَا أَحْمَدُ بْنُ عُثْمَانَ: حَدَّثَنَا شُرَيْحُ بْنُ مَسْلَمَةَ: حَدَّثَنَا إِبْرَاهِيمُ ابْنُ يُوسُفَ عَنْ أَبِيهِ، عَنْ أَبِي إِسْحَاقَ قَالَ: سَأَلْتُ مَسْرُوقًا وَعَطَاءً وَمُجَاهِدًا، فَقَالُوا: اعْتَمَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فِي ذِي القَعْدَةِ قَبْلَ أَنْ يَحُجَّ. وَقَالَ: سَمِعْتُ البَرَاءَ بْنَ عَازِبٍ رَضِيَ اللهُ عَنْهُمَا يَقُولُ: اعْتَمَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فِي ذِي القَعْدَةِ قَبْلَ أَنْ يَحُجَّ مَرَّتَيْنِ.

بَابُ عُمْرَةٍ فِي رَمَضَانَ.

١٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا يُخْبِرُنَا يَقُولُ: قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم

us?' She replied, 'We have a camel and the father of so-and-so and his son (i. e. her husband and her son) rode it and left one camel for us to use for irrigation.' He said (to her), 'Perform ʿUmra when Ramaḍān comes, for ʿUmra in Ramaḍān is equal to Ḥajj (in reward),' or said something similar."

لامْرَأَةٍ مِنَ الأَنْصَارِ سَمَّاهَا ابْنُ عَبَّاسٍ فَنَسِيتُ اسْمَهَا مَا مَنَعَكِ أَنْ تَحُجِّي مَعَنَا؟ قَالَتْ: كَانَ لَنَا نَاضِحٌ فَرَكِبَهُ أَبُو فُلَانٍ وَابْنُهُ لِزَوْجِهَا وَابْنِهَا، وَتَرَكَ نَاضِحًا نَنْضَحُ عَلَيْهِ. قَالَ: فَإِذَا كَانَ رَمَضَانُ اعْتَمِرِي فِيهِ فَإِنَّ عُمْرَةً فِي رَمَضَانَ حَجَّةٌ أَوْ نَحْوًا مِمَّا قَالَ:

CHAPTER. The performance of ʿUmra on the night of Ḥasba (the night of departure from Minā) after finishing Ḥajj and on other nights.

بَابُ العُمْرَةِ لَيْلَةَ الحَصْبَةِ وَغَيْرِهَا.

11. Narrated ʿĀisha رضي الله عنها : We set out along with Allāh's Apostle ﷺ shortly before the appearance of the new moon (crescent) of the month of Dhi-l-Ḥijja and he said to us, "Whoever wants to assume Iḥrām for Ḥajj may do so; and whoever wants to assume Iḥrām for ʿUmra may do so. Hadn't I brought the Hadī (animal for sacrificing) (with me), I would have assumed Iḥrām for ʿUmra." (ʿĀisha added,): So some of us assumed Iḥrām for ʿUmra while the others for Ḥajj. I was amongst those who assumed Iḥrām for ʿUmra. The day of ʿArafāt approached and I was still menstruating. I complained to the Prophet ﷺ (about that) and he said, "Abandon your ʿUmra, undo and comb your hair, and assume Iḥrām for Ḥajj." When it was the night of Ḥasba, he sent ʿAbdur Raḥmān with me to At-Tanʿīm and I assumed Iḥrām for ʿUmra in lieu of my missed ʿUmra.

١١ ـ حَدَّثَنَا مُحَمَّدُ بْنُ سَلَامٍ. أَخْبَرَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا هِشَامٌ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: خَرَجْنَا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم مُوَافِينَ لِهِلَالِ ذِي الحِجَّةِ فَقَالَ لَنَا: مَنْ أَحَبَّ مِنْكُمْ أَنْ يُهِلَّ بِالحَجِّ فَلْيُهِلَّ. وَمَنْ أَحَبَّ أَنْ يُهِلَّ بِعُمْرَةٍ فَلْيُهِلَّ بِعُمْرَةٍ. فَلَوْلَا أَنِّي أَهْدَيْتُ لَأَهْلَلْتُ بِعُمْرَةٍ. قَالَتْ: فَمِنَّا مَنْ أَهَلَّ بِعُمْرَةٍ، وَمِنَّا مَنْ أَهَلَّ بِحَجٍّ. وَكُنْتُ مِمَّنْ أَهَلَّ بِعُمْرَةٍ فَأَظَلَّنِي يَوْمُ عَرَفَةَ وَأَنَا حَائِضٌ فَشَكَوْتُ إِلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَقَالَ: ارْفُضِي عُمْرَتَكِ، وَانْقُضِي رَأْسَكِ، وَامْتَشِطِي وَأَهِلِّي بِالحَجِّ. فَلَمَّا كَانَ لَيْلَةُ الحَصْبَةِ أَرْسَلَ مَعِي عَبْدَ الرَّحْمٰنِ إِلَى التَّنْعِيمِ. فَأَهْلَلْتُ بِعُمْرَةٍ مَكَانَ عُمْرَتِي.

CHAPTER. The ʿUmra of At-Tanʿīm.

بابُ عُمْرَةِ التَّنْعِيمِ.

12. Narrated ʿAmr bin Aūs: ʿAbdur Raḥmān bin ʿAbū Bakr ؓ told me that the Prophet ﷺ had ordered him to let ʿĀisha ride behind him and to make her perform ʿUmra from At-Tanʿīm.

١٢ - حدَّثنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثنا سُفْيانُ، عَنْ عَمْرٍو: سَمِعَ عَمْرَو بنَ أَوْسٍ أنَّ عَبْدَ الرَّحْمَنِ بنَ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما أخْبَرَهُ: أنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم أمَرَهُ أنْ يُرْدِفَ عائِشَةَ و يُعْمِرَها مِنَ التَّنْعِيمِ. قالَ سُفْيانُ مَرَّةً: سَمِعْتُ عَمْرًا، كَمْ سَمِعْتُهُ مِنْ عَمْرٍو؟

13. Narrated Jābir bin ʿAbdullāh ؓ: The Prophet ﷺ and his companions assumed Iḥrām for Ḥajj and none except the Prophet ﷺ and Talha had the Hadī with them. ʿAlī had come from Yemen and he had the Hadī with him. He (ʿAlī) said, "I have assumed Iḥrām for what Allāh's Apostle ﷺ has assumed it."

The Prophet ﷺ ordered his companions to intend the Iḥrām with which they had come (i. e. for Ḥajj) for ʿUmra, to perform the Ṭawāf of the Kaʿba (and between Ṣafā and Marwa), to get their hair cut short and then to finish Iḥrām with the exception of those who had the Hadī with them. They asked, "Shall we go to Minā and the private organs of some of us are dribbling (if we finish Iḥrām and have sexual relations with our wives)?" The Prophet ﷺ heard that and said, "Had I known what I know now, I would not have brought the Hadī. If I did not have the Hadī with

١٣ - حدَّثنا مُحَمَّدُ بنُ المُثَنَّى: حدَّثنا عَبْدُ الوَهَّابِ بنُ عَبْدِ المجيدِ، عَنْ حَبِيبٍ المُعَلِّمِ، عَنْ عَطاءٍ: حدَّثَني جابِرُ بنُ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم أهَلَّ وَ أصْحابُهُ بالحَجِّ وَلَيْسَ مَعَ أحَدٍ مِنْهُمْ هَدْيٌ غَيْرَ النَّبِيِّ صلى اللهُ عليه وسلَّم وَطَلْحَةَ. و كانَ عَلِيٌّ قَدِمَ مِنَ اليَمَنِ وَ مَعَهُ الهَدْيُ، فَقالَ: أهْلَلْتُ بِما أهَلَّ بِهِ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم و أنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم أذِنَ لأصْحابِهِ أنْ يَجْعَلُوها عُمْرَةً، يَطُوفُوا بالبَيْتِ ثُمَّ يُقَصِّروا و يَحِلُّوا إلاَّ مَنْ مَعَهُ الهَدْيُ. فَقالُوا: نَنْطَلِقُ إلى مِنًى، وَ ذَكَرُ أحَدِنا يَقْطُرُ، فَبَلَغَ النَّبِيَّ صلى اللهُ عليه وسلَّم فَقالَ: لَوِ اسْتَقْبَلْتُ مِنْ أمْري ما اسْتَدْبَرْتُ ما أهْدَيْتُ،

me I would have finished Iḥrām." ʿAisha got her menses and performed all the ceremonies (of Ḥajj) except the Ṭawāf. When her menses were over and she performed the Ṭawāf of the Kaʿba, she said, "O Allāh's Apostle! You (people) are returning with both Ḥajj and ʿUmra and I with Ḥajj only!" So, he ordered ʿAbdur Raḥmān bin ʿAbū Bakr to go with her to At-Tanʿīm. Thus she performed ʿUmra after the Ḥajj in the month of Dhi-l-Ḥijja. Surāqa bin Mālik bin Juʿsham met the Prophet ﷺ at Al-ʿAqaba (Jamrat-ul-ʿAqaba) while the latter was stoning it and said, "O Allāh's Apostle! Is this permissible only for you?" The Prophet ﷺ replied, "No, it is for ever (i. e. it is permissible for all Muslims to perform ʿUmra before Ḥajj." (1)

CHAPTER. The performance of ʿUmra after performing Ḥajj without having a Hadī.

14. Narrated ʿAisha رضي الله عنها : We set out with Allāh's Apostle ﷺ shortly before the appearance of the new moon of Dhi-l-Ḥijja and he said, "Whoever wants to assume Iḥrām for ʿUmra may do so, and whoever wants to assume Iḥrām for Ḥajj may do so. Had not I brought the Hadī with me, I would have assumed Iḥrām for ʿUmra." Some of the people assumed

وَلَوْلا أنَّ مَعِي الهَدْيَ لأحْلَلْتُ . وأنَّ عائِشَةَ حاضَتْ فَنَسَكَتِ المَناسِكَ كُلَّها غَيْرَ أنَّها لَمْ تَطُفْ . قالَ : فَلَمَّا طَهُرَتْ وَطافَتْ قالَتْ : يا رَسُولَ اللهِ . أتَنْطَلِقُونَ بِعُمْرَةٍ وَحَجَّةٍ ، وَأنْطَلِقُ بالحَجِّ ؟ فَأمَرَ عَبْدَ الرَّحْمَنِ بنَ أبى بَكْرٍ أنْ يَخْرُجَ مَعَها إلى التَّنْعِيمِ . فاعْتَمَرَتْ بَعْدَ الحَجِّ فى ذى الحِجَّةِ . وَأنَّ سُراقَةَ بنَ مالِكِ بنِ جُعْشُمٍ لَقِيَ النَّبِيَّ صلى اللهُ عليهِ وسلَّمَ وَهُوَ بالعَقَبَةِ وَهُوَ يَرْمِيها ، فَقالَ : ألَكُمْ هَذِهِ خاصَّةً يا رَسُولَ اللهِ ؟ قالَ : لا ، بَلْ لِلأبَدِ .

باب الاعْتِمارِ بَعْدَ الحَجِّ بِغَيْرِ هَدْيٍ .

١٤ - حدَّثَنا مُحَمَّدُ بنُ المُثَنَّى : حدَّثَنا يَحْيَى : حدَّثَنا هِشامٌ قالَ : أخْبَرَنى أبى قالَ : أخْبَرَتْنى عائِشَةُ رَضِيَ اللهُ عَنْها قالَتْ : خَرَجْنا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ مُوافِينَ لِهِلالِ ذى الحِجَّةِ فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ : مَنْ أحَبَّ أنْ يُهِلَّ بِعُمْرَةٍ فَلْيُهِلَّ .

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(1) This may also mean that the performance of ʿUmra during the months of Ḥajj was permissible, contrary to what the pagans of the pre-Islamic period believed.

(Fath-al-Bārī, vol. 4, p. 358.)

Ihrām for ʿUmra while others for Hajj. I was amongst those who had assumed Ihrām for ʿUmra. I got my menses before entering Mecca, and was still menstruating when the day of ʿArafāt came. When I complained to Allāh's Apostle ﷺ about it, he said, "Abandon your ʿUmra, undo and comb your hair, and assume Ihrām for Hajj." So, I did that accordingly. When it was the night of Hasba (day of departure from Minā), the Prophet ﷺ sent ʿAbdur Rahmān with me to At-Tanʿim.

The sub-narrator adds: He (ʿAbdur-Rahmān) let her ride behind him.

And she assumed Ihrām for ʿUmra in lieu of the abandoned one. Allāh completed her Hajj and ʿUmra, and no Hadī, Sadaqa (things given in charity), or fasting was obligatory for her.

وَمَنْ أَحَبَّ أَنْ يُهِلَّ بِحَجَّةٍ فَلْيُهِلَّ. وَلَوْلَا أَنِّي أَهْدَيْتُ، لَأَهْلَلْتُ بِعُمْرَةٍ. فَمِنْهُمْ مَنْ أَهَلَّ بِعُمْرَةٍ، وَمِنْهُمْ مَنْ أَهَلَّ بِحَجَّةٍ وَكُنْتُ مِمَّنْ أَهَلَّ بِعُمْرَةٍ فَحِضْتُ قَبْلَ أَنْ أَدْخُلَ مَكَّةَ فَأَدْرَكَنِي يَوْمُ عَرَفَةَ وَأَنَا حَائِضٌ، فَشَكَوْتُ إِلَى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَقَالَ: دَعِي عُمْرَتَكِ، وَانْقُضِي رَأْسَكِ، وَامْتَشِطِي. وَأَهِلِّي بِالحَجِّ فَفَعَلْتُ. فَلَمَّا كَانَتْ لَيْلَةُ الحَصْبَةِ أَرْسَلَ مَعِي عَبْدَ الرَّحْمَنِ إِلَى التَّنْعِيمِ. فَأَرْدَفَهَا فَأَهَلَّتْ بِعُمْرَةٍ مَكَانَ عُمْرَتِهَا فَقَضَى اللهُ حَجَّهَا وَعُمْرَتَهَا وَلَمْ يَكُنْ فِي شَيْءٍ مِنْ ذَلِكَ هَدْيٌ وَلَا صَدَقَةٌ وَلَا صَوْمٌ.

CHAPTER. The reward of ʿUmra is according to the hardship which one encounters in performing it.

بابُ أَجْرِ العُمْرَةِ عَلَى قَدْرِ النَّصَبِ.

15. Narrated Al-Aswad that ʿAisha رضي الله عنها said, "O Allāh's Apostle! (Is it proper that) the people are returning after performing the two Nusuks (i. e. Hajj and ʿUmra) but I am returning with one only?" He said, "Wait till your menses are over and then go to At-Tanʿim and assume Ihrām (and after performing ʿUmra) join us at such-and-such a place. But it (i. e. the reward of ʿUmra) is according to your expenses or the hardship (which you will undergo while performing it)."

١٥ ـ حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَزِيدُ ابْنُ زُرَيْعٍ: حَدَّثَنَا ابْنُ عَوْنٍ، عَنِ القَاسِمِ ابْنِ مُحَمَّدٍ، وَعَنِ ابْنِ عَوْنٍ عَنْ إِبْرَاهِيمَ عَنِ الأَسْوَدِ قَالَا: قَالَتْ عَائِشَةُ رَضِيَ اللهُ عَنْهَا، يَا رَسُولَ اللهِ يَصْدُرُ النَّاسُ بِنُسُكَيْنِ وَأَصْدُرُ بِنُسُكٍ؟ فَقِيلَ لَهَا انْتَظِرِي فَإِذَا طَهُرْتِ فَاخْرُجِي إِلَى التَّنْعِيمِ، فَأَهِلِّي ثُمَّ ائْتِينَا بِمَكَانِ كَذَا. وَلَكِنَّهَا عَلَى قَدْرِ نَفَقَتِكِ أَوْ نَصَبِكِ.

CHAPTER. If a person performing the ʿUmra departs after performing the Ṭawāf of ʿUmra, will that Ṭawāf substitute for Ṭawāf-al-Wadāʿ as well ?

16. Narrated ʿĀisha رضي الله عنها : We set out assuming the Iḥrām for Ḥajj in the months of Ḥajj towards the sacred precincts of Ḥajj. We dismounted at Sarif and the Prophet ﷺ said to his companions, "Whoever has not got the Hadī with him and likes to make it as ʿUmra, he could do it, but he who has got the Hadī with him should not do it." The Prophet ﷺ and some of his wealthy companions had the Hadī with them, so they did not finish Iḥrām after performing the ʿUmra. The Prophet ﷺ came to me and found me weeping. He asked me the reason for it. I replied, "I have heard of what you have said to your companions and I cannot do the ʿUmra." He asked me, "What is the matter with you ?" I replied, "I am not praying." (1) He said, "There is no harm in it as you are one of the daughters of Ādam and the same is destined for you as for others. So, you should perform Ḥajj and I hope that Allāh will enable you to perform the ʿUmra as well." So, I carried on till we departed from Minā and halted at Al-Maḥaṣṣab. The Prophet ﷺ called ʿAbdur-Raḥmān and said, "Go out of the sanctuary with your sister and let her assume Iḥrām for ʿUmra, and after both of you

بَابُ المُعْتَمِرِ إِذَا طَافَ طَوَافَ العُمْرَةِ، ثُمَّ خَرَجَ، هَلْ يُجْزِئُهُ مِنْ طَوَافِ الوَدَاعِ ؟ .

١٦ ـ حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا أَفْلَحُ ابْنُ حُمَيْدٍ، عَنِ القَاسِمِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: خَرَجْنَا مُهِلِّينَ بِالحَجِّ فِي أَشْهُرِ الحَجِّ وَحُرُمِ الحَجِّ فَنَزَلْنَا بِسَرِفَ فَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم لأَصْحَابِهِ: مَنْ لَمْ يَكُنْ مَعَهُ هَدْيٌ فَأَحَبَّ أَنْ يَجْعَلَهَا عُمْرَةً فَلْيَفْعَلْ، وَمَنْ كَانَ مَعَهُ هَدْيٌ فَلا. وَكَانَ مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم وَرِجَالٍ مِنْ أَصْحَابِهِ ذَوِي قُوَّةٍ الهَدْيُ، فَلَمْ تَكُنْ لَهُمْ عُمْرَةٌ. فَدَخَلَ عَلَيَّ النَّبِيُّ صلى اللهُ عليه وسلَّم وَأَنَا أَبْكِي فَقَالَ: مَا يُبْكِيكِ؟ قُلْتُ: سَمِعْتُكَ تَقُولُ لأَصْحَابِكَ مَا قُلْتَ فَمُنِعْتُ العُمْرَةَ. قَالَ: وَمَا شَأْنُكِ؟ قُلْتُ: لا أُصَلِّي، قَالَ فَلا يَضِيرُكِ، أَنْتِ مِنْ بَنَاتِ آدَمَ كُتِبَ عَلَيْكِ مَا كُتِبَ عَلَيْهِنَّ، فَكُونِي فِي حَجَّتِكِ. عَسَى اللهُ أَنْ يَرْزُقَكِيهَا، قَالَتْ: فَكُنْتُ حَتَّى نَفَرْنَا مِنْ مِنًى فَنَزَلْنَا المُحَصَّبَ فَدَعَا عَبْدَ الرَّحْمٰنِ فَقَالَ: اخْرُجْ بِأُخْتِكَ الحَرَمَ فَلْتُهِلَّ

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(1) This expression is an indirect way to say: "I have got menses and thus I cannot perform my prayers. Consequently I cannot perform the ceremonies of ʿUmra."

have finished the Ṭawāf I will be waiting for you at this place." We came back at mid-night and the Prophet ﷺ asked us, "Have you finished?" I replied in the affirmative. He announced the departure and the people set out for the journey and some of them had performed the Ṭawāf of the Kaʿba before the morning prayer, and after that the Prophet ﷺ set out for Medīna.

CHAPTER. A person should perform the same ceremonies of ʿUmra, as he performs in Ḥajj.

17. Narrated Ṣafwān bin Yaʿlā bin Umaiya from his father who said, "A man came to the Prophet ﷺ while he was at Jiʿrāna. The man was wearing a cloak and it had traces of Khalūq or Ṣufra (a kind of perfume). The man asked (the Prophet ﷺ), 'What do you order me to do in my ʿUmra?' So, Allāh inspired the Prophet ﷺ divinely and he was screened by a piece of cloth. I wished to see the Prophet ﷺ being divinely inspired. ʿUmar said to me, 'Come! Will you be pleased to look at the Prophet ﷺ while Allāh is inspiring him?' I replied in the affirmative. ʿUmar lifted one corner of the cloth and I looked at the Prophet ﷺ who was snoring. (The sub-narrator thought that he said: The snoring was like that of a camel). When that state was over, the Prophet ﷺ asked, "Where is the questioner who asked about the ʿUmra? Put off your cloak and wash away the traces of Khalūq from your body and clean

بِعُمْرَةٍ ثُمَّ افْرُغَا مِنْ طَوَافِكُمَا أَنْتَظِرْكُمَا هَاهُنَا. فَأَتَيْنَا فِى جَوْفِ اللَّيْلِ فَقَالَ: فَرَغْتُمَا؟ قُلْتُ: نَعَمْ. فَنَادَى بِالرَّحِيلِ فِى أَصْحَابِهِ فَارْتَحَلَ النَّاسُ وَمَنْ طَافَ بِالبَيْتِ قَبْلَ صَلاةِ الصُّبْحِ، ثُمَّ خَرَجَ مُوَجِّهًا إِلَى المَدِينَةِ.

بابٌ يَفْعَلُ فِى العُمْرَةِ مَا يَفْعَلُ فِى الحَجِّ.

١٧ ـ حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا عَطَاءٌ قَالَ: حَدَّثَنِى صَفْوَانُ بْنُ يَعْلَى بْنِ أُمَيَّةَ عَنْ أَبِيهِ: أَنَّ رَجُلاً أَتَى النَّبِيَّ صلى اللهُ عليهِ وسلَّم وَهُوَ بِالجِعْرَانَةِ وَعَلَيْهِ جُبَّةٌ وَعَلَيْهِ أَثَرُ الخَلُوقِ، أَوْ قَالَ صُفْرَةٌ فَقَالَ: كَيْفَ تَأْمُرُنِى أَنْ أَصْنَعَ فِى عُمْرَتِى؟ فَأَنْزَلَ اللهُ عَلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَسُتِرَ بِثَوْبٍ وَوَدِدْتُ أَنِّى قَدْ رَأَيْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم وَقَدْ أُنْزِلَ عَلَيْهِ الوَحْيُ. فَقَالَ عُمَرُ: تَعَالَ، أَيَسُرُّكَ أَنْ تَنْظُرَ إِلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم وَقَدْ أَنْزَلَ اللهُ عَلَيْهِ الوَحْيَ؟ قُلْتُ: نَعَمْ. فَرَفَعَ طَرَفَ الثَّوْبِ فَنَظَرْتُ إِلَيْهِ لَهُ غَطِيطٌ وَأَحْسِبُهُ قَالَ كَغَطِيطِ البَكْرِ. فَلَمَّا سُرِّيَ عَنْهُ قَالَ: أَيْنَ السَّائِلُ عَنِ العُمْرَةِ؟ اخْلَعْ عَنْكَ الجُبَّةَ

the Ṣufra (yellow colour) and perform in your ʿUmra what you perform in your Ḥajj (i. e. the Ṭawāf round the Kaʿba and between Ṣafā and Marwa)."

18. Narrated Hishām Ibn ʿUrwa from his father who said: While I was a youngster I asked ʿĀisha رضي الله عنها, the wife of the Prophet ﷺ, "What about the meaning of the Statement of Allāh تبارك و تعالى: Lo! (the mountains) As-Ṣafā and Al-Marwa, are among the symbols of Allāh. So, it is not harmful for those who perform Ḥajj or ʿUmra of the House (Kaʿba at Mecca) to perform Ṭawāf between them? (2 : 158) I understand (from that) that there is no harm if somebody does not perform the Ṭawāf between them." ʿĀisha replied, "No, for if it were as you are saying, then the recitation would have been like this: 'It is not harmful not to perform Ṭawāf between them.' This verse was revealed in connection with the Anṣār who used to assume the Iḥrām for the idol Manāt which was put beside a place called Qudaid and those people thought it not right to perform the Ṭawāf of As-Ṣafa and Al-Marwa. When Islām came, they asked Allāh's Apostle ﷺ about that, and Allāh revealed:—

'Lo! (the mountains) As-Ṣafa and
Al-Marwa
'Are among the symbols of Allāh.
So, it is not harmful for those
Who perform Ḥajj or ʿUmra of the

وَاغْسِلْ أَثَرَ الْخَلُوقِ عَنْكَ وَأَنْقِ الصُّفْرَةَ ، وَاصْنَعْ فِى عُمْرَتِكَ كَمَا تَصْنَعُ فِى حَجِّكَ .

١٨ ـ حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكٌ ، عَنْ هِشَامِ بْنِ عُرْوَةَ ، عَنْ أَبِيهِ : أَنَّهُ قَالَ : قُلْتُ لِعَائِشَةَ رَضِىَ اللهُ عَنْهَا زَوْجِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم وَأَنَا يَوْمَئِذٍ حَدِيثُ السِّنِّ : أَرَأَيْتَ قَوْلَ اللهِ تَبَارَكَ وَتَعَالَى ـ إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللهِ فَمَنْ حَجَّ الْبَيْتَ أَوِ اعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطَّوَّفَ بِهِمَا ـ فَلَا أُرَى عَلَى أَحَدٍ شَيْئًا أَنْ لَا يَطَّوَّفَ بِهِمَا . فَقَالَتْ عَائِشَةُ : كَلَّا لَوْ كَانَ كَمَا تَقُولُ كَانَتْ : فَلَا جُنَاحَ عَلَيْهِ أَنْ لَا يَطَّوَّفَ بِهِمَا . إِنَّمَا أُنْزِلَتْ هَذِهِ الْآيَةُ فِى الْأَنْصَارِ ، كَانُوا يُهِلُّونَ لِمَنَاةَ وَكَانَتْ مَنَاةُ حَذْوَ قُدَيْدٍ وَكَانُوا يَتَحَرَّجُونَ أَنْ يَطُوفُوا بَيْنَ الصَّفَا وَالْمَرْوَةِ . فَلَمَّا جَاءَ الْإِسْلَامُ سَأَلُوا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عَنْ ذَلِكَ فَأَنْزَلَ اللهُ تَعَالَى ـ إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللهِ فَمَنْ حَجَّ الْبَيْتَ أَوِ اعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطَّوَّفَ بِهِمَا ـ زَادَ سُفْيَانُ وَأَبُو مُعَاوِيَةَ عَنْ هِشَامٍ : مَا أَتَمَّ اللهُ حَجَّ امْرِئٍ وَلَا عُمْرَتَهُ مَا لَمْ يَطُفْ بَيْنَ الصَّفَا وَالْمَرْوَةِ .

House (Kaʿba at Mecca) to perform Ṭawāf between them.' "

Sufyān and Abū Muʿāwiya added from Hishām (from ʿĀisha) : " Allāh does not regard as perfect the Ḥajj or ʿUmra of the person who does not perform the Ṭawāf between Aṣ-Ṣafā and Al-Marwa."

CHAPTER. When should a person performing ʿUmra finish the Iḥrām ?

Jābir رضي الله عنه said, " The Prophet ﷺ ordered his companions to perform ʿUmra (with the Iḥrām they had intended for Ḥajj) and to perform the Ṭawāf and then cut short their hair and finish the Iḥrām."

19. Narrated Ismāʿīl : ʿAbdullāh bin Abū Aufā رضي الله عنه said : " Allah's Apostle ﷺ performed ʿUmra and we did the same along with him. When he entered Mecca he performed the Ṭawāf and we too performed it with him, and then he went to Aṣ-Ṣafā and Al-Marwa (i. e. performed Saʿī) and we also went with him. We were shielding him from the people of Mecca lest they hit him with an arrow."

A friend of his asked him (i.e. ʿAbdullāh bin Aufā), " Did the Prophet ﷺ enter the Kaʿba (on that ʿUmra)? " He replied in the negative. Then he said, " What did he (the Prophet ﷺ) say about Khadīja ? " He (ʿAbdullāh bin Aufā) said, " (He said) ' Give Khadīja the good tidings that she will have a Qaṣab (1)

بَابٌ مَتَى يَحِلُّ الْمُعْتَمِرُ ؟

وَقَالَ عَطَاءٌ ، عَنْ جَابِرٍ رَضِيَ اللهُ عَنْهُ : أَمَرَ النَّبِيُّ صلى اللهُ عليه وسلّم أَصْحَابَهُ أَنْ يَجْعَلُوهَا عُمْرَةً وَ يَطُوفُوا ثُمَّ يُقَصِّرُوا وَ يَحِلُّوا .

١٩ ـ حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ ، عَنْ جَرِيرٍ ، عَنْ إِسْمَاعِيلَ ، عَنْ عَبْدِ اللهِ ابْنِ أَبِي أَوْفَى قَالَ : اعْتَمَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم وَاعْتَمَرْنَا مَعَهُ فَلَمَّا دَخَلَ مَكَّةَ طَافَ وَطُفْنَا مَعَهُ . وَأَتَى الصَّفَا وَالْمَرْوَةَ وَأَتَيْنَاهُمَا مَعَهُ ، وَكُنَّا نَسْتُرُهُ مِنْ أَهْلِ مَكَّةَ أَنْ يَرْمِيَهُ أَحَدٌ ، فَقَالَ لَهُ صَاحِبٌ لِي : أَكَانَ دَخَلَ الْكَعْبَةَ ؟ قَالَ : لَا ، قَالَ : فَحَدِّثْنَا مَا قَالَ لِخَدِيجَةَ . قَالَ : بَشِّرُوا خَدِيجَةَ بِبَيْتٍ مِنَ الْجَنَّةِ مِنْ قَصَبٍ لَا صَخَبَ فِيهِ وَلَا نَصَبَ .

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(1) Qaṣab : An arabic word meaning pipes made of pearls & other precious stones.

palace in Paradise and there will be neither noise nor any trouble in it.' "

20. Narrated ʿAmr bin Dinār: We asked Ibn ʿUmar ؓ whether a man who had performed the Ṭawāf of the Kaʿba but had not performed the Ṭawāf between Aṣ-Ṣafā and Al-Marwa yet was permitted to have sexual relation with his wife. He replied, "The Prophet ﷺ arrived (at Mecca) and circumambulated the Kaʿba seven times and then offered a two-Rakʿāt prayer behind Maqām-Ibrāhīm and then performed the Ṭawāf between Aṣ-Ṣafā and Al-Marwa (seven times) (and verily, in Allāh's Apostle ﷺ you have a good example)." And we asked Jābir bin ʿAbdullāh ؓ (the same question) and he replied, "He should not go near her till he has finished the Ṭawāf between Aṣ-Ṣafā and Al-Marwa."

21. Narrated Abū Mūsa Al-Ashʿari ؓ: I came upon the Prophet ﷺ at Al-Baṭhā' while his camel was kneeling down and he asked me, "Have you intended to perform the Ḥajj?" I replied in the affirmative. He asked me, "What did you assume your Iḥrām for?". I replied, "I assumed the Iḥrām with the same intention as that of the Prophet ﷺ." He said, "You have done well. Perform the Ṭawāf of the Kaʿba and between Aṣ-Ṣafā and Al-Marwa and then finish the Iḥrām." So, I performed the Ṭawāf around the Kaʿba and between Aṣ-Ṣafā and Al-Marwa and then went to a

٢٠ - حدّثنا الحُمَيْدِيُّ: حدّثنا سُفْيانُ، عَنْ عَمْرِو بنِ دِينارٍ قالَ: سَأَلْنا ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنْ رَجُلٍ طافَ بالبَيْتِ في عُمْرَةٍ، ولَمْ يَطُفْ بَيْنَ الصَّفا والمَرْوَةِ، أيأتي امْرَأتَهُ؟ فَقالَ: قَدِمَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فَطافَ بالبَيْتِ سَبْعًا، وَصَلَّى خَلْفَ المَقامِ رَكْعَتَيْنِ، وَطافَ بَيْنَ الصَّفا والمَرْوَةِ سَبْعًا وَقَدْ كانَ لَكُمْ في رَسُولِ اللهِ أُسْوَةٌ حَسَنَةٌ. قالَ: وَسَأَلْنا جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما. فَقالَ: لا يَقْرَبَنَّها حَتَّى يَطُوفَ بَيْنَ الصَّفا وَالمَرْوَةِ.

٢١ - حدّثنا مُحَمَّدُ بنُ بَشّارٍ: حدّثنا غُنْدَرٌ: حدّثنا شُعْبَةُ، عَنْ قَيْسِ بنِ مُسْلِمٍ، عَنْ طارِقِ بنِ شِهابٍ، عَنْ أبي مُوسَى الأشْعَرِيِّ رَضِيَ اللهُ عَنْهُ قالَ: قَدِمْتُ عَلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم بالبَطْحاءِ وَهُوَ مُنِيخٌ فَقالَ: أحَجَجْتَ؟ قُلْتُ: نَعَمْ. قالَ: بِما أهْلَلْتَ؟ قُلْتُ: لَبَّيْكَ بإهْلالٍ كإهْلالِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم. قالَ أحْسَنْتَ. طُفْ بالبَيْتِ و بالصَّفا وَالمَرْوَةِ. ثُمَّ أحِلَّ. فَطُفْتُ بالبَيْتِ و بالصَّفا وَالمَرْوَةِ ثُمَّ أتَيْتُ

woman of the tribe of Qais who cleaned my head from lice. Later I assumed the Iḥrām for Ḥajj. I used to give the verdict of doing the same till the caliphate of ʿUmar who said, " If you follow the Holy Book then it orders you to perfarm both ʿUmra and Ḥajj (i. e. in one state of Iḥrām), if you follow the Prophet ﷺ then he did not finish his Iḥrām till the Hadī (sacrifice) had reached its place of slaughtering (Ḥajj-al-Qirān)."

22. Narrated Al-Aswad : ʿAbdullāh, the slave of Asmāʾ bint Abū Bakr, told me that he used to hear Asmāʾ, whenever she passed by Al-Hajūn, saying, " May Allāh bless His Apostle Muḥammad ﷺ. Once we dismounted here with him, and at that time we were travelling with light luggage; we had a few riding animals and a little ration. I, my sister ʿĀisha, Az-Zubair and such and such persons performed ʿUmra, and when we had passed our hands over the Kaʿba (i. e. performed Ṭawāf round the Kaʿba and between Aṣ-Ṣafā and Al-Marwa) we finished our Iḥrām. Later on we assumed Iḥrām for Ḥajj the same evening."

CHAPTER. What should one say on returning from Ḥajj, ʿUmra or Ghazwa.

23. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : Whenever Allāh's Apostle ﷺ returned from a Ghazwa, Ḥajj or ʿUmra, he used to say Takbīr thrice at every elevation of the ground and then would say, " None

مْرَأَةٌ مِنْ قَيْسٍ فَفَلَتْ رَأْسِي ثُمَّ أَهْلَلْتُ بِالحَجِّ فَكُنْتُ أُفْتِي بِهِ حَتَّى كَانَ فِي خِلافَةِ عُمَرَ فَقَالَ : إِنْ أَخَذْنَا بِكِتَابِ اللهِ فَإِنَّهُ يَأْمُرُنَا بِالتَّمامِ . وَإِنْ أَخَذْنَا بِقَوْلِ النَّبِيِّ صلى اللهُ عليهِ وسلم فَإِنَّهُ لَمْ يَحِلَّ حَتَّى يَبْلُغَ الهَدْيُ مَحِلَّهُ .

٢٢ ـ حَدَّثَنَا أَحْمَدُ : حَدَّثَنَا ابْنُ وَهْبٍ : أَخْبَرَنَا عَمْرٌو . عَنْ أَبِي الأَسْوَدِ : أَنَّ عَبْدَ اللهِ مَوْلَى أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ حَدَّثَهُ أَنَّهُ كَانَ يَسْمَعُ أَسْمَاءَ تَقُولُ كُلَّمَا مَرَّتْ بِالحَجُونِ : صلى اللهُ عَلَى رَسُولِهِ مُحَمَّدٍ . لَقَدْ نَزَلْنَا مَعَهُ هاهُنَا وَنَحْنُ يَوْمَئِذٍ خِفَافٌ قَلِيلٌ ظَهْرُنَا ، قَلِيلَةٌ أَزْوَادُنَا . فَاعْتَمَرْتُ أَنَا وَأُخْتِي عَائِشَةُ وَالزُّبَيْرُ ، وَفُلانٌ وَفُلانٌ ، فَلَمَّا مَسَحْنَا البَيْتَ أَحْلَلْنَا ثُمَّ أَهْلَلْنَا مِنَ العَشِيِّ بِالحَجِّ .

بابٌ ما يَقُولُ إِذَا رَجَعَ مِنَ الحَجِّ أَوِ العُمْرَةِ أَوِ الغَزْوِ .

٢٣ ـ حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ : أَخْبَرَنَا مالِكٌ ، عَنْ نَافِعٍ ، عَنْ عَبْدِ اللهِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُما : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم كانَ إِذَا قَفَلَ

has the right to be worshipped but Allāh; He is One and has no partner. All the kingdoms (lands) are for Him, and all the praises are for Him, and He is Omnipotent. We are returning with repentance, worshipping and prostrating ourselves and praising our Lord. He has kept up His promise and made His slave victorious, and He Alone defeated all the clans of (non-believers)." (1)

مِنْ غَزْوٍ أَوْ حَجٍّ أَوْ عُمْرَةٍ يُكَبِّرُ عَلَى كُلِّ شَرَفٍ مِنَ الأَرْضِ ثَلاثَ تَكْبِيرَاتٍ ثُمَّ يَقُولُ: لا إِلَهَ إِلاَّ اللهُ وَحْدَهُ لا شَرِيكَ لَهُ، لَهُ المُلْكُ وَلَهُ الحَمْدُ، وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ. آيِبُونَ تَائِبُونَ. عَابِدُونَ سَاجِدُونَ، لِرَبِّنَا حَامِدُونَ، صَدَقَ اللهُ وَعْدَهُ، وَنَصَرَ عَبْدَهُ. وَهَزَمَ الأَحْزَابَ وَحْدَهُ.

CHAPTER. Reception of the returning pilgrims; and the riding of three persons on one animal.

بَابُ اسْتِقْبَالِ الحَاجِّ القَادِمِينَ وَالثَّلاثَةِ عَلَى الدَّابَّةِ.

24. Narrated Ibn ʿAbbās رضي الله عنهما: When the Prophet ﷺ arrived at Mecca, some boys of the tribe of Banī ʿAbdul Muṭṭalib went to receive him, and the Prophet ﷺ made one of them ride in front of him and the other behind him.

٢٤ ـ حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا خَالِدٌ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: لَمَّا قَدِمَ النَّبِيُّ صلى الله عليه وسلم مَكَّةَ اسْتَقْبَلَتْهُ أُغَيْلِمَةُ بَنِي عَبْدِ المُطَّلِبِ فَحَمَلَ وَاحِدًا بَيْنَ يَدَيْهِ وَآخَرَ خَلْفَهُ.

CHAPTER. Arriving in the morning.

بَابُ القُدُومِ بِالغَدَاةِ.

25. Narrated Ibn ʿUmar رضي الله عنه: Whenever Allāh's Apostle ﷺ left for

٢٥ ـ حَدَّثَنَا أَحْمَدُ بْنُ الحَجَّاجِ: حَدَّثَنَا أَنَسُ بْنُ عِيَاضٍ، عَنْ عُبَيْدِ اللهِ.

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(1) Transliteration of this invocation: Lā ilāha ila-l-lāhu waḥdahū lā sharīka lahū, lahu-l-mulk, wa lahu-l-ḥamd, wa huwa ʿalā kulli shaiʾin qadīr. Āyibūn, tāʾibūn, ʿābidūn, sājidūn, lirabbinā ḥāmidūn. Ṣadaqa-l-lahū waʿdahū, wa naṣara ʿabdahū, wahazama-l-aḥzāba waḥdahū.

Mecca, he used to pray in the mosque of Ash-Shajra, and when he returned (to Medina), he used to pray in the middle of the valley of Dhul-Hulaifa and used to pass the night there till morning.

عَنْ نَافِعٍ ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم كَانَ إِذَا خَرَجَ إِلَى مَكَّةَ يُصَلِّي فِي مَسْجِدِ الشَّجَرَةِ ، وَإِذَا رَجَعَ صَلَّى بِذِي الحُلَيْفَةِ بِبَطْنِ الوَادِي وَبَاتَ حَتَّى يُصْبِحَ .

CHAPTER. Returning (home) in the after-noon.

بَابٌ الدُّخُولِ بِالعَشِيِّ .

26. Narrated Anas ؓ : The Prophet ﷺ never returned to his family from a journey at night. He used to return either in the morning or in the afternoon.

٢٦ ـ حدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ : حدَّثَنَا هَمَّامٌ ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللهِ ابْنِ أَبِي طَلْحَةَ ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قَالَ : كَانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم لَا يَطْرُقُ أَهْلَهُ ، كَانَ لَا يَدْخُلُ إِلَّا غُدْوَةً أَوْ عَشِيَّةً .

CHAPTER. Not to go to one's family on arrival at one's town at night.

بَابٌ لَا يَطْرُقُ أَهْلَهُ إِذَا بَلَغَ المَدِينَةَ .

27. Narrated Jābir ؓ : The Prophet ﷺ forbade going to one's family at night (on arrival from a journey).

٢٧ ـ حدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ : حدَّثَنَا شُعْبَةُ ، عَنْ مُحَارِبٍ ، عَنْ جَابِرٍ رَضِيَ اللهُ عَنْهُ قَالَ : نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم أَنْ يَطْرُقَ أَهْلَهُ لَيْلًا .

CHAPTER. Whoever made his she-camel proceed faster on reaching his destination.

بَابٌ مَنْ أَسْرَعَ نَاقَتَهُ إِذَا بَلَغَ المَدِينَةَ .

28. Narrated Humaid: Anas ؓ said, "Whenever Allāh's Apostle ﷺ returned from a journey, he, on seeing the high places of Medina, would make his

٢٨ ـ حدَّثَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ : أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ : أَخْبَرَنِي حُمَيْدٌ أَنَّهُ سَمِعَ أَنَسًا رَضِيَ اللهُ عَنْهُ يَقُولُ : كَانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم

she-camel proceed faster; and if it were another animal, even then he used to make it proceed faster."

Narrated Ḥumaid that the Prophet ﷺ used to make it proceed faster out of his love for Medīna.

29. Narrated Anas as above, but mentioned "the walls of Medīna" instead of "the high places of Medīna." Al-Hārith bin ʿUmair agrees with Anas.

CHAPTER. The saying of Allāh ﷻ 'So enter houses through their doors.' (2 : 189)

30. Narrated Abū Isḥāq: I heard Al-Bara' ؓ saying, "The above Verse was revealed regarding us, for the Anṣār on returning from Ḥajj never entered their houses through the proper doors but from behind. One of the Anṣār came and entered through the door and he was taunted for it. Therefore, the following was revealed :—

> 'It is not righteousness
> That you enter your houses by the back door
> But the righteous man
> Is he who fears Allāh,
> So, enter houses through the proper doors.' (2 : 189)

CHAPTER. Travelling is a kind of torture.

31. Narrated Abū Huraira ؓ: The Prophet ﷺ said, "Travelling is a

إِذَا قَدِمَ مِنْ سَفَرٍ فَأَبْصَرَ دَرَجَاتِ المَدِينَةِ أَوْضَعَ نَاقَتَهُ . وَإِنْ كَانَتْ دَابَّةً حَرَّكَهَا . قَالَ أَبُو عَبْدِ اللهِ : زَادَ الحَارِثُ بْنُ عُمَيْرٍ عَنْ حُمَيْدٍ : حَرَّكَهَا مِنْ حُبِّهَا .

٢٩ ـ حَدَّثَنَا قُتَيْبَةُ : حَدَّثَنَا إِسْمَاعِيلُ ، عَنْ حُمَيْدٍ ، عَنْ أَنَسٍ قَالَ : جُدُرَاتِ . تَابَعَهُ الحَارِثُ ابْنُ عُمَيْرٍ .

بَابُ قَوْلِ اللهِ تَعَالَى ـ وَأْتُوا البُيُوتَ مِنْ أَبْوَابِهَا ـ .

٣٠ ـ حَدَّثَنَا أَبُو الوَلِيدِ : حَدَّثَنَا شُعْبَةُ ، عَنْ أَبِي إِسْحَاقَ قَالَ : سَمِعْتُ البَرَاءَ رَضِيَ اللهُ عَنْهُ يَقُولُ : نَزَلَتْ هَذِهِ الآيَةُ فِينَا ، كَانَتِ الأَنْصَارُ إِذَا حَجُّوا فَجَاءُوا لَمْ يَدْخُلُوا مِنْ قِبَلِ أَبْوَابِ بُيُوتِهِمْ وَلَكِنْ مِنْ ظُهُورِهَا . فَجَاءَ رَجُلٌ مِنَ الأَنْصَارِ فَدَخَلَ مِنْ قِبَلِ بَابِهِ ، فَكَأَنَّهُ عُيِّرَ بِذَلِكَ . فَنَزَلَتْ ـ وَلَيْسَ البِرُّ بِأَنْ تَأْتُوا البُيُوتَ مِنْ ظُهُورِهَا ، وَلَكِنَّ البِرَّ مَنِ اتَّقَى . وَأْتُوا البُيُوتَ مِنْ أَبْوَابِهَا ـ .

بَابٌ السَّفَرُ قِطْعَةٌ مِنَ العَذَابِ .

٣١ ـ حَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ : حَدَّثَنَا مَالِكٌ ، عَنْ سُمَيٍّ ، عَنْ أَبِي صَالِحٍ ،

kind of torture as it prevents one from eating, drinking and sleeping properly. So, when one's needs are fulfilled, one should return quickly to one's family."

CHAPTER. What may a traveller do if he has to proceed fast to arrive home early ?

32. Narrated Zaid bin Aslam from his father: I was with Ibn ʿUmar ؓ on the way to Mecca, and he got the news that Ṣafīya bint Abū ʿUbaid was seriously ill. So, he hastened his pace, and when the twilight disappeared, he dismounted and offered the Maghrib and ʿIshāʾ prayers together. Then he said, "I saw that whenever the Prophet ﷺ had to hasten when travelling, he would delay the Maghrib prayer and join them together (i. e. offer the Maghrib and the ʿIshāʾ prayers together)."

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ: السَّفَرُ قِطْعَةٌ مِنَ العَذَابِ، يَمْنَعُ أَحَدَكُمْ طَعَامَهُ وَشَرَابَهُ وَنَوْمَهُ، فإذا قَضَى نَهْمَتَهُ فَلْيُعَجِّلْ إلى أَهْلِهِ .

بابُ المُسافِرِ إذا جَدَّ بِهِ السَّيرُ ويُعَجِّلُ إلى أهْلِهِ .

٣٢ ـ حدَّثَنا سَعِيدُ بنُ أبي مَرْيَمَ: أخبرَنا مُحَمَّدُ بنُ جَعْفَرٍ قالَ: أخبرَني زَيْدُ بنُ أَسْلَمَ، عَنْ أبيهِ قالَ: كُنْتُ مَعَ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما بِطَرِيقِ مَكَّةَ فَبَلَغَهُ عَنْ صَفِيَّةَ بِنْتِ أبي عُبَيْدٍ شِدَّةُ وَجَعٍ فأسْرَعَ السَّيرَ حتّى إذا كانَ بَعْدَ غُرُوبِ الشَّفَقِ نَزَلَ فَصَلَّى المَغْرِبَ وَالعَتَمَةَ جَمَعَ بَيْنَهُما، ثُمَّ قالَ: إنِّي رَأَيْتُ النَّبِيَّ صلى اللهُ عليه وسلَّم إذا جَدَّ بهِ السَّيرُ أَخَّرَ المَغْرِبَ وَجَمَعَ بَيْنَهُما .

**In the name of Allāh,
the most Beneficent, the most Merciful.**

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

THE CHAPTERS OF THE MUḤṢAR (1) AND THE PENALTY OF HUNTING :

أبواب المحصر و جزاء الصيد

CHAPTER. The Muḥṣar and the penalty of hunting, and (the interpretation of) the statement of Allāh تَعَالَىٰ :—

‘ But if you are prevented
(From completing it i. e. Ḥajj or ʿUmra),
Sacrifice an Hadī (i. e. sheep or a cow or a camel)
Such as you can afford.
And do not shave your heads
Until the offering reaches
The place of sacrifice.’ (2 : 196)

(Explanation of some Arabic words not translated).

بابُ المُحْصَرِ وَ جَزَاءِ الصَّيْدِ، وَ قَوْلُهُ تَعَالَى ـ فَإِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الهَدْيِ وَ لا تَحْلِقُوا رُءوسَكُمْ حَتَّى يَبْلُغَ الهَدْيُ مَحِلَّهُ ـ و قالَ عَطاءٌ : الإِحْصَارُ مِنْ كُلِّ شَيْءٍ بِحَبْسِهِ قالَ أَبُو عَبْدِ اللهِ حَصُوراً : لا يَأْتِي النِّسَاءَ .

CHAPTER. If one, intending to perform ʿUmra, is prevented from performing it (what will one do ?).

بابٌ إِذَا أُحْصِرَ المُعْتَمِرُ .

33. Narrated Nāfiʿ : When ʿAbdullāh bin ʿUmar رضي الله عنهما set out for Mecca intend-

٣٣ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخبرَنا مالكٌ، عَنْ نافعٍ : أنَّ عَبْدَ اللهِ

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(1) Muḥṣar is a Muḥrim who intends to perform Ḥajj or ʿUmra but cannot do so because of some obstacle.

ing to perform the ʽUmra, at the time of afflictions,(1) he said, "If I should be prevented from reaching the Kaʽba, then I would do the same as Allāh's Apostle ﷺ did, so I assume the Iḥrām for ʽUmra as Allāh's Apostle ﷺ assumed the Iḥrām for ʽUmra in the year of Ḥudaibiya."

ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا حِينَ خَرَجَ إِلَى مَكَّةَ : مُعْتَمِرًا فِى الفِتْنَةِ قَالَ : إِنْ صُدِدْتُ عَنِ البَيْتِ صَنَعْتُ كَمَا صَنَعْنَا مَعَ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم. فَأَهَلَّ بِعُمْرَةٍ مِنْ أَجْلِ أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم كَانَ أَهَلَّ بِعُمْرَةٍ عَامَ الحُدَيْبِيَةِ .

34. Narrated Nāfiʽ: ʽUbaidullāh bin ʽAbdullāh and Sālim bin ʽAbdullāh informed me that they told Ibn ʽUmar ؓ when Ibn Az-Zubair was attacked by the army, "There is no harm for you not to perform the Ḥajj this year. We are afraid that you may be prevented from reaching the Kaʽba." Ibn ʽUmar said, "We set out with Allāh's Apostle ﷺ and the non-believers of Quraish prevented us from reaching the Kaʽba, and so the Prophet ﷺ slaughtered his Hadī and got his head shaved." Ibn ʽUmar added, "I make you witnesses that I have made the ʽUmra obligatory for me. And, Allāh willing, I will go and then if the way to Kaʽba is clear, I will perform the Tawāf, but if I am prevented from going to the Kaʽba then I will do the same as the Prophet ﷺ did while I was in his company." Ibn ʽUmar then assumed Iḥrām for ʽUmra from Dhul-Ḥulaifa and proceeded for a while and said, "The conditions of ʽUmra and Ḥajj are similar and I make you witnesses that I have made ʽUmra and Ḥajj

٣٤ ـ حَدَّثَنَا عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ أَسْمَاءَ : حَدَّثَنَا جُوَيْرِيَةُ : عَنْ نَافِعٍ : أَنَّ عُبَيْدَ اللهِ بْنَ عَبْدِ اللهِ وَ سَالِمَ بْنَ عَبْدِ اللهِ أَخْبَرَاهُ أَنَّهُمَا كَلَّمَا عَبْدَ اللهِ ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا لَيَالِيَ نَزَلَ الجَيْشُ بِابْنِ الزُّبَيْرِ فَقَالَا : لَا يَضُرُّكَ أَنْ لَا تَحُجَّ العَامَ وَإِنَّا نَخَافُ أَنْ يُحَالَ بَيْنَكَ وَبَيْنَ البَيْتِ . فَقَالَ : خَرَجْنَا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَحَالَ كُفَّارُ قُرَيْشٍ دُونَ البَيْتِ فَنَحَرَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم هَدْيَهُ وَحَلَقَ رَأْسَهُ وَأُشْهِدُكُمْ أَنِّى قَدْ أَوْجَبْتُ العُمْرَةَ ، إِنْ شَاءَ اللهُ أَنْطَلِقُ فَإِنْ خُلِّيَ بَيْنِي وَبَيْنَ البَيْتِ طُفْتُ . وَإِنْ حِيلَ بَيْنِي وَبَيْنَهُ فَعَلْتُ كَمَا فَعَلَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم وَأَنَا مَعَهُ ، فَأَهَلَّ بِالعُمْرَةِ مِنْ ذِى الحُلَيْفَةِ ثُمَّ سَارَ سَاعَةً ثُمَّ قَالَ : إِنَّمَا شَأْنُهُمَا وَاحِدٌ ، أُشْهِدُكُمْ

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(1) The fighting between Al-Ḥajjāj and Ibn Az-Zubair.

obligatory for myself." So, he did not finish the Iḥrām till the day of Naḥr (slaughtering) came, and he slaughtered his Ḥadī. He used to say, "I will not finish the Iḥrām till I perform the Ṭawāf, one Ṭawaf on the day of entering Mecca (i. e. of Ṣafā and Marwa for both ʿUmra and Ḥajj)."

أني قد أوجبت حجة مع عمرتي. فلم يحل منهما حتى دخل يوم النحر وأهدى، وكان يقول: لا يحل حتى يطوف طوافا واحدا يوم يدخل مكة.

35. Narrated Nafiʿ: Some of the sons of ʿAbdullah told him (i.e. ʿAbdullāh) if he had stayed (and not performed the Ḥajj that year).

٣٥ - حدثني موسى بن إسماعيل: حدثنا جويرية، عن نافع: أن بعض بني عبد الله قال له لو أقمت بهذا.

36. Narrated Ibn ʿAbbās رضي الله عنهما : Allāh's Apostle ﷺ was prevented from performing (the ʿUmra). Therefore, he shaved his head and had sexual relations with his wives and slaughtered his Hadī and performed the ʿUmra in the following year.

٣٦ - حدثنا محمد قال: حدثنا يحيى ابن صالح: حدثنا معاوية بن سلام: حدثنا يحيى بن أبي كثير، عن عكرمة قال: فقال ابن عباس رضي الله عنهما: قد أحصر رسول الله صلى الله عليه وسلم فحلق رأسه وجامع نساءه ونحر هديه حتى اعتمر عاما قابلا.

CHAPTER. One who is prevented from performing the Ḥajj.

باب الإحصار في الحج.

37. Narrated Sālim: (ʿAbdullāh) bin ʿUmar رضي الله عنهما used to say, "Is not the following of the tradition of Allāh's Apostle ﷺ sufficient for you? If anyone of you is prevented from performing the Ḥajj, he should perform the Ṭawaf of the Kaʿba and between Aṣ-Ṣafa and Al-Marwa and then finish the Iḥrām and every thing will become legal for him which is illegal for him and he can perform the Ḥajj in a following year and he should

٣٧ - حدثنا أحمد بن محمد: أخبرنا عبد الله: أخبرنا يونس عن الزهري قال أخبرني سالم قال: كان ابن عمر رضي الله عنهما يقول: أليس حسبكم سنة رسول الله صلى الله عليه وسلم؟ إن حبس أحدكم عن الحج طاف بالبيت وبالصفا والمروة ثم حل من كل شيء حتى يحج عاما قابلا فيهدي

slaughter a Hadī or fast in case he cannot afford the Hadī."

أَوْ يَصُومُ إِنْ لَمْ يَجِدْ هَدْيًا . وعَنْ عَبْدِ اللهِ قالَ : أَخْبَرَنا مَعْمَرٌ عَنِ الزُّهْرِيِّ قالَ : حَدَّثَنِي سالِمٌ عَنِ ابْنِ عُمَرَ نَحْوَهُ .

CHAPTER. The slaughtering (of Hadi) before shaving the head (in case) one is prevented from performing (the Ḥajj or ʿUmra).

بابُ النَّحْرِ قَبْلَ الحَلْقِ فِي الحَصْرِ .

38. Narrated Al-Miswar رضي الله عنه: Allāh's Apostle ﷺ slaughtered (the Hadī) before he had his head shaved and then he ordered his companions to do the same.

٣٨ - حَدَّثَنا مَحْمُودٌ : حَدَّثَنا عَبْدُ الرَّزَّاقِ : أَخْبَرَنا مَعْمَرٌ ، عَنِ الزُّهْرِيِّ ، عَنْ عُرْوَةَ ، عَنِ المِسْوَرِ رَضِيَ اللهُ عَنْهُ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَحَرَ قَبْلَ أَنْ يَحْلِقَ وَأَمَرَ أَصْحابَهُ بِذَلِكَ .

39. Narrated Nafiʿ: ʿAbdullāh and Sālim said to ʿAbdullāh bin ʿUmar رضي الله عنهما, "(You should not go for the Ḥajj this year)." ʿAbdullāh bin ʿUmar replied, "We set out with the Prophet ﷺ (to Mecca for performing ʿUmra) and the infidels of Quraish prevented us from reaching the Kaʿba. Allāh's Apostle ﷺ slaughtered his Budn (camels for sacrifice) and got his head shaved."

٣٩ - حَدَّثَنا مُحَمَّدُ بنُ عَبْدِ الرَّحِيمِ : أَخْبَرَنا أَبُو بَدْرٍ شُجاعُ بنُ الوَلِيدِ ، عَنْ عُمَرَ بنِ مُحَمَّدٍ العُمَرِيِّ قالَ : وَحَدَّثَ نافِعٌ أَنَّ عَبْدَ اللهِ وَسالِمًا كَلَّما عَبْدَ اللهِ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما فَقالَ : خَرَجْنا مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم مُعْتَمِرِينَ فَحالَ كُفَّارُ قُرَيْشٍ دُونَ البَيْتِ فَنَحَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم بُدْنَهُ وَحَلَقَ رَأْسَهُ .

CHAPTER. Whoever said that the Muḥsar is not supposed to perform the ʿUmra or the Ḥajj in lieu of the prevented one. Ibn ʿAbbās رضي الله عنهما said, "The per-

بابُ مَنْ قالَ لَيْسَ عَلَى المُحْصَرِ بَدَلٌ . وَقالَ رَوْحٌ ، عَنْ شِبْلٍ ، عَنِ ابنِ أَبِي نَجِيحٍ ، عَنْ مُجاهِدٍ ، عَنِ

forming of the Ḥajj is only obligatory in lieu of that Ḥajj which is abandoned because of personal pleasure (having sexual intercourse with his wife), and not for that which is abandoned because some genuine excuse or a similar thing (e. g. disease or lack of money), then he should finish his Iḥrām and there is no need for him to make up for it. And if he has a Hadī with him and is prevented from performing the Ḥajj, and he is unable to send it to its place of slaughtering, then he should slaughter it, but if he can send it then he should not finish his Iḥrām till the Hadī has reached its place (i. e. has been slaughtered)." Mālik and others said, "He should slaughter his Hadī and have his head shaved wherever he is and does not have to make up for it because the Prophet ﷺ and his companions slaughtered the sacrifice and had their heads shaved in Al-Ḥudaibiya and finished their Iḥrām before performing the Ṭawāf and before the Hadī reached the Kaʿba. It is not mentioned that the Prophet ﷺ ordered anybody to make up for any of the missed ceremonies or to repeat anything. And Al-Ḥudaibiya is outside the boundaries of Meccan sanctuary."

40. Narrated Nāfiʿ: When ʿAbdullāh bin ʿUmar رضي الله عنه set out for Mecca with the intention of performing ʿUmra in the period of afflictions, he said, "If I should be prevented from reaching the Kaʿba, then I would do the same as we did while in the company of Allāh's Apostle ﷺ."

ابنِ عبَّاسٍ رَضِيَ اللهُ عَنْهُما: إنَّما البَدَلُ عَلَى مَنْ نَقَضَ حَجَّهُ بالتَّلَذُّذِ، فأمَّا مَنْ حَبَسَهُ عُذْرٌ أوْ غَيْرُ ذلكَ فإنَّه يَحِلُّ وَلا يَرْجعُ. وإذَا كانَ مَعَهُ هَدْيٌ وَهُوَ مُحْصَرٌ نَحَرَهُ إنْ كانَ لا يَسْتَطيع أنْ يَبْعَثَ بِهِ، وإنِ اسْتَطاعَ أنْ يَبْعَثَ بِهِ لمْ يَحِلَّ حتَّى يَبْلُغَ الهَدْيُ مَحِلَّهُ. وقالَ مالكٌ وَغَيرُهُ: يَنْحَرُ هَدْيَهُ وَيَحْلِقُ في أيِّ مَوْضِعٍ كانَ وَلا قَضاءَ عَلَيْهِ لأنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم وأصْحابَهُ بالحدَيْبِيَةِ نَحَروا وَحَلَقُوا وَحَلُّوا مِنْ كُلِّ شَيْءٍ قَبْلَ الطَّوَافِ وَقَبْلَ أنْ يَصِلَ الهَدْيُ إلى البَيْتِ. ثُمَّ لمْ يُذْكَرْ أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم أمَرَ أحَدًا أنْ يَقْضوا شَيْئًا وَلا يَعُودوا له، والحدَيْبِيَةِ خارِجٌ مِنَ الحَرَمِ.

٤٠ ـ حدَّثَنا إسماعيلُ قالَ: حدَّثَني مالكٌ، عَنْ نافعٍ: أنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ حِينَ خَرَجَ إلى مَكَّةَ مُعْتَمِرًا في الفِتْنَةِ: إنْ صُدِدْتُ عَنِ البَيْتِ صَنَعْنا كما صَنَعْنا مَعَ

So, he assumed the Ihrām for ᶜUmra since the Prophet ﷺ had assumed the Ihrām for ᶜUmra in the year of Al-Ḥudaibīya. Then ᶜAbdullāh bin ᶜUmar thought about it and said, "The conditions for both Ḥajj and ᶜUmra are similar." He then turned towards his companions and said, "The conditions of both Ḥajj and ᶜUmra are similar and I make you witnesses that I have made the performance of Ḥajj obligatory for myself along with the ᶜUmra." He then performed one Ṭawāf (between Aṣ-Ṣafā and Al-Marwa) for both of them (i. e. Ḥajj and ᶜUmra) and considered that to be sufficient for him and offered a Hadī.

CHAPTER. The Statement of Allāh تعالى :—

> 'And if any of you is ill
> Or has an ailment in his scalp,
> (Necessitating shaving)
> (He should) in compensation
> Either fast, or give Ṣadaqa,
> or offer sacrifice.' (2 : 196)

He has the option. As for fasting, it should be for three days.

41. Narrated ᶜAbdur-Raḥmān bin Abū Laylā from Kaᶜb bin ᶜUjra ؓ that Allāh's Apostle ﷺ asked (Kaᶜb), "Perhaps your lice have troubled you?" Kaᶜb replied, "Yes! O Allāh's Apostle." Allāh's Apostle ﷺ said, "Have your head shaved and then either fast three days or feed six poor persons or slaughter one sheep as a sacrifice."

رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم . فَأَهَلَّ بِعُمْرَةٍ مِنْ أَجْلِ أَنَّ النَّبِيَّ صلى الله عليهِ وسلَّم كانَ أَهَلَّ بِعُمْرَةٍ عامَ الحُدَيْبِيَةِ . ثُمَّ إِنَّ عَبْدَ اللهِ بنَ عُمَرَ نَظَرَ في أَمْرِهِ فَقالَ : ما أَمرُهُما إلَّا وَاحِدٌ . فالتَفَتَ إلى أَصْحَابِهِ فَقالَ : ما أَمْرُهُمَا إلَّا وَاحِدٌ ، أُشْهِدُكُمْ أَنِّي قَدْ أَوْجَبْتُ الحَجَّ مَعَ العُمْرَةِ . ثُمَّ طافَ لَهُما طَوَافًا وَاحِدًا وَرَأَى أَنَّ ذلكَ مُجْزِئٌ عَنْهُ وأَهْدَى .

بابُ قَوْلِ اللهِ تَعالى - فَمَنْ كانَ مِنْكُمْ مَرِيضًا أَوْ بِهِ أَذًى مِنْ رَأْسِهِ فَفِدْيَةٌ مِنْ صِيامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ - وَهُوَ مُخَيَّرٌ ، فأمَّا الصَّوْمُ فَثَلاثَةُ أَيَّامٍ .

٤١ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخبرَنا مالكٌ ، عَنْ حُمَيْدِ بنِ قَيْسٍ ، عَنْ مُجاهِدٍ ، عَنْ عَبْدِ الرَّحْمَنِ بنِ أَبي لَيْلَى ، عَنْ كَعْبِ بنِ عُجْرَةَ رَضِيَ اللهُ عَنْهُ ، عَنْ رَسُولِ اللهِ صلى الله عليه وسلَّم أَنَّهُ قالَ : لَعَلَّكَ آذاكَ هَوَامُّكَ ؟ . قالَ : نَعَمْ يارَسُولَ اللهِ ؛ فَقالَ رَسُولُ اللهِ

صلى اللهُ عليهِ وسلَّم: احْلِقْ رَأْسَكَ وَصُمْ ثَلاثَةَ أيَّامٍ أو أطعِمْ سِتَّةَ مَسَاكِينَ. أوِ انسُكْ بِشاةٍ.

CHAPTER. The Saying of Allah ﷻ :—

‘Or (give) Ṣadaqa (i. e. giving in charity).’

Here Ṣadaqa is in the form of feeding six poor persons.

بابٌ قَوْلِ اللهِ تَعالى - أوْ صَدَقَةٍ - إطْعامُ سِتَّةِ مَساكِينَ.

42. Narrated Kaᶜb bin ᶜUjra رضي الله عنه : Allah's Apostle ﷺ stood beside me at Al-Ḥudaibiya and the lice were falling from my head in great number. He asked me, “Have your lice troubled you?” I replied in the affirmative. He ordered me to get my head shaved. Kaᶜb added, “This Holy Verse :— ‘And if any of you is ill, or has ailment in his scalp ...... etc.’ was revealed regarding me. “The Prophet ﷺ then ordered me either to fast three days, or to feed six poor persons with one Faraq (three Saᶜs) (of dates), or to slaughter a sacrifice whatever was available.

٤٢ - حدَّثنا أبُونُعَيمٍ: حدَّثنا سَيْفٌ قالَ: حدَّثني مُجاهِدٌ قالَ: سَمِعْتُ عَبْدَ الرَّحْمنِ بنَ أبي لَيْلَى أن كَعْبَ ابنَ عُجْرَةَ حدَّثَه قالَ: وَقَفَ عليَّ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم بالحدَيْبِيَةِ وَرَأْسِي يَتَهافَتُ قَمْلاً فقالَ: يُؤْذِيكَ هَوَامُّكَ؟ قُلْتُ: نَعَمْ، قالَ: فاحْلِقْ رَأْسَكَ أوِ احْلِقْ، قالَ: فيَّ نَزَلَتْ هذهِ الآيَةُ - فَمَنْ كانَ مِنْكُمْ مَرِيضاً أوْ بِهِ أذًى مِنْ رَأْسِهِ - إلى آخرِها فقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: صُمْ ثَلاثَةَ أيَّامٍ، أوْ تَصَدَّقْ بِفَرَقٍ بَيْنَ سِتَّةٍ أوْ نُسُكْ مِمَّا تَيَسَّرَ.

CHAPTER. The Fidya (compensation for rites missed or wrongly practised) in the form of feeding is half a Saᶜ.

بابٌ الإطْعامُ في الفِدْيَةِ نِصْفُ صاعٍ.

43. Narrated ᶜAbdullah bin Maᶜqal : I sat with Kaᶜb bin ᶜUjra رضي الله عنه and asked him about the Fidya. He replied, “This revelation came concerning my case

٤٣ - حدَّثنا أبُو الوَلِيدِ: حدَّثنا شُعْبَةُ، عَنْ عَبْدِ الرَّحْمنِ بنِ الأصْبَهانيِّ، عَنْ عَبْدِ اللهِ بنِ مَعْقِلٍ قالَ: جَلَسْتُ

especially, but it is also for you in general. I was carried to Allāh's Apostle ﷺ and the lice were falling in great number on my face. The Prophet ﷺ said, "I have never thought that your ailment (or struggle) has reached to such an extent as I see. Can you afford a sheep?" I replied in the negative. He then said, "Fast for three days, or feed six poor persons each with half a Saᶜ of food."

إلى كَعْبِ بنِ عُجْرَةَ رَضِيَ اللهُ عَنْهُ فَسَأَلْتُهُ عَنِ الفِدْيَةِ ، فقالَ : نَزَلَتْ فِيَّ خاصَّةً وَهِيَ لَكُمْ عامَّةً . حُمِلْتُ إلى رَسُولِ اللهُ صلى اللهُ عليهِ وسلَّمَ والقَمْلُ يَتَناثَرُ عَلى وَجْهِي فقالَ : ما كُنْتُ أُرَى الوَجَعَ بَلَغَ بِكَ ما أرَى ، أوْ ما كُنْتُ أُرَى الجَهْدَ بَلَغَ بِكَ ما أرَى ، تَجِدُ شاةً ؟ فَقُلْتُ : لا ، فقالَ : فَصُمْ ثَلاثَةَ أيَّامٍ أوْ أطْعِمْ سِتَّةَ مَساكِينَ لِكُلِّ مِسْكِينٍ نِصْفُ صاعٍ .

CHAPTER. The Nusk (offering) is one sheep.

بابٌ النُّسُكُ شاةٌ .

44. Narrated ᶜAbdur-Raḥmān bin Abū Laylā reporting the speech of Kaᶜb bin ᶜUjra ؓ : Allāh's Apostle ﷺ saw him (i.e. Kaᶜb) while the lice were falling on his face. He asked (him), "Have your lice troubled you?" He replied in the affirmative. So, he ordered him to get his head shaved while he was at Al-Ḥudaibiya. At that time they were not permitted to finish their Iḥrām, and were still hoping to enter Mecca. (1) So, Allāh revealed the commandment of Fidya. Allāh's Apostle ﷺ ordered him to feed six poor persons with one Faraq of food or to slaughter one sheep (as a sacrifice) or to fast for three days.

٤٤ ـ حدَّثَنا إسحاقُ : حدَّثَنا رَوْحٌ : حدَّثَنا شِبْلٌ ، عَنْ ابنِ أبي نَجِيحٍ ، عَنْ مُجاهِدٍ قالَ : حدَّثَنِي عَبْدُ الرَّحْمَنِ ابنُ أبي لَيْلَى عَنْ كَعْبِ بنِ عُجْرَةَ رَضِيَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ رَآه وَأنَّهُ يَسْقُطُ عَلى وَجْهِهِ فَقالَ : أيُؤْذِيكَ هَوامُّكَ ؟ قالَ : نَعَمْ ، فَأمَرَهُ أنْ يَحْلِقَ وَهُوَ بالحدَيْبِيَةِ ، ولَمْ يَتَبَيَّنْ لهُمْ أنهمْ يَحِلُّونَ بِها وَهُمْ عَلى طَمَعٍ أنْ يَدْخُلُوا مَكَّةَ فَأنْزَلَ اللهُ الفِدْيَةَ فَأمَرَهُ

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(1) Kaᶜb was permitted to finish his Iḥrām because of ailment in his head and had to pay Fidya, although later on, all his companions finished Iḥrām because they were prevented from reaching the Kaᶜba.

رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أنْ يُطْعِمَ فَرَقًا بَيْنَ سِتَّةٍ أوْ يُهْدِيَ شاةً أوْ يَصومَ ثَلاثَةَ أيَّامٍ . وَعَنْ مُحَمَّدِ بنِ يُوسُفَ : حدَّثَنا وَرْقاءُ ، عَنِ ابنِ أبي نَجِيحٍ عَنْ مُجاهِدٍ : قالَ حدَّثَنِي عَبْدُ الرَّحْمَنِ بنُ أبي لَيْلَى ، عَنْ كَعْبِ بنِ عُجْرَةَ رَضِيَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم رَآهُ وَقَمْلُهُ يَسْقُطُ عَلَى وَجْهِهِ ، مِثْلَهُ .

CHAPTER. The Statement of Allāh تعالى :—

'No sexual approach for relations with one's wives (during the Ḥajj) ......'
(2 : 197)

بابُ قَوْلِ اللهِ تَعالى - فَلا رَفَثَ - .

45. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "Whoever performs the Ḥajj to this Kaʿba and does not approach for sexual relations with his wife or commits sins (while performing Ḥajj), he will turn out as sinless as a newly-born child. (Just delivered by his mother)."

٤٥ - حدَّثَنا سُلَيْمانُ بنُ حَرْبٍ : حدَّثَنا شُعْبَةُ ، عَنْ مَنْصُورٍ ، عَنْ أبي حازِمٍ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ : قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : مَنْ حَجَّ هذا البَيْتَ فَلَمْ يَرْفُثْ ولَمْ يَفْسُقْ رَجَعَ كما وَلَدَتْهُ أُمُّهُ .

CHAPTER. The Statement of Allāh عَزَّ وَجَلَّ : "Nor commit sins nor dispute unjustly during the Ḥajj." (2 : 197)

بابُ قَوْلِ اللهِ عَزَّ وَجَلَّ - وَلا فُسُوقَ وَلا جِدالَ فى الحَجِّ - .

46. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "Whoever performs the Ḥajj to this Kaʿba and does not have sexual relations with his wife (or indulges in obscenity), or practices wicked deeds (while performing Ḥajj), he will turn out as sinless as a new-born child, (just delivered by his mother)."

٤٦ - حدَّثَنا مُحَمَّدُ بنُ يُوسُفَ : حدَّثَنا سُفْيانُ ، عَنْ مَنْصُورٍ ، عَنْ أبي حازِمٍ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ : قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : مَنْ حَجَّ هذا البَيْتَ فَلَمْ يَرْفُثْ وَلَمْ يَفْسُقْ رَجَعَ كَيَوْمِ وَلَدَتْهُ أُمُّهُ .

In the name of Allāh,
the most Beneficent, the most Merciful.

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

CHAPTER. The penalty for hunting (by a Muḥrim) and similar things. And the Statement of Allāh تعالى :—

' Kill not game
While you are in the state of Iḥrām.
If any of you do so
Intentionally, the penalty
Is an offering of a domestic animal
Equivalent to the one he killed,......
to the end of the Verse
And fear Allāh, to Whom
You shall be gathered back.'
(5 : 95-96)

بابُ جَزَاءِ الصَّيْدِ وَنَحْوِهِ، وَقَوْلِ اللهِ تَعَالَى ـ لا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرُمٌ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّدًا فَجَزَاءٌ مِثْلُ ما قَتَلَ مِنَ النَّعَمِ ـ إِلى قَوْلِهِ ـ وَاتَّقُوا اللهَ الَّذِى إِلَيْهِ تُحْشَرُونَ ـ.

CHAPTER. If a non-Muḥrim hunts (an animal) and gives it as a present to a Muḥrim, it is permissible for the latter to eat it. Ibn ʿAbbās and Anas considered that there was no harm for a Muḥrim to slaughter animals which were not game, like camels, sheep, cows, hens, or horses. (Explanation of a Few Arabic words not translated)

بابٌ ـ إِذَا صَادَ الحَلالُ فَأَهْدَى لِلْمُحْرِمِ الصَّيْدَ أَكَلَهُ. وَلَمْ يَرَ ابنُ عَبَّاسٍ وَأَنَسٌ بِالذَّبْحِ بَأْسا وَهُوَ فِى غَيْرِ الصَّيْدِ نَحْوَ الإِبِلِ وَالغَنَمِ وَالبَقَرِ وَالدَّجاجِ وَالخَيْلِ، يُقَالُ: عَدْلُ: مِثْلُ، فإِذَا كُسِرَتْ عِدْلٌ فَهُوَ زِنَةُ ذَلكَ. قِيامًا: قِوَامًا، يَعْدِلُونَ: يَجْعَلُونَ لَهُ عَدْلاً.

47. Narrated ʿAbdullāh bin Abū Qatāda: My father set out (for Mecca) in the year of Al-Ḥudaibiya, and his companions assumed Iḥrām, but he did not.

٤٧ ـ حَدَّثَنا مُعاذُ بنُ فُضَالَةَ: حَدَّثَنا هِشامٌ، عَنْ يَحْيَى، عَنْ عَبْدِ اللهِ بنِ أَبِى قَتَادَةَ، قالَ: انْطَلَقَ أَبِى عامَ الحُدَيْبِيَةِ

At that time the Prophet ﷺ was informed that an enemy wanted to attack him, so the Prophet ﷺ proceeded onwards. While my father was among his companions, some of them laughed among themselves. (My father said,) " I looked up and saw an onager. (1) I attacked, stabbed and caught it. I then sought my companions' help but they refused to help me. (Later) we all ate its meat. We were afraid that we might be separated from the Prophet ﷺ so I went in search of the Prophet ﷺ and made my horse gallop at times and let it go quietly at other times till I met a man from the tribe of Bani Ghifar at midnight. I asked him, "Where did you leave the Prophet ﷺ ?" He replied, " I left him at Taʿhun and he had the intention of having the midday rest at As-Suqyā. I followed the trace and joined the Prophet ﷺ and said, 'O Allāh's Apostle! Your people send you their compliments, and (ask for) Allāh's Blessings on you. They are afraid lest they may be left behind; so please wait for them.' I added, 'O Allāh's Apostle! I hunted an onager and some of its meat is with me. (2) The Prophet ﷺ ordered

فأحْرَمَ أصْحابُهُ ولَمْ يُحْرِمْ، وحُدِّثَ
النَّبِيُّ صلى اللهُ عليهِ وسلَّم أنَّ عَدُوا يَغْزُوهُ
فانْطَلَقَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فَبَيْنَما
أبي مَعَ أصْحابِهِ يَضْحَكُ بَعْضُهُمْ
إلى بَعْضٍ ، فَنَظَرْتُ فإذَا أنا بِحِمارِ
وَحْشٍ فَحَمَلْتُ عَلَيْهِ فَطَعَنْتُهُ فأَثْبَتُّهُ
واسْتَعَنْتُ بِهِمْ فأبَوْا أنْ يُعِينُونى ،
فأكَلْنا مِنْ لَحْمِهِ وَخَشِينا أنْ نُقْتَطَعَ
فَطَلَبْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم أرْفَعُ
فَرَسِي شأوًا وَأسِيرُ شأوًا ، فلَقِيتُ
رَجُلاً مِنْ بَنِي غِفارٍ فى جَوْفِ اللَّيْلِ ،
قُلْتُ : أيْنَ تَرَكْتَ النَّبِيَّ صلى اللهُ
عليهِ وسلَّم ؟ قالَ : تَرَكْتُهُ بِتَعْهُنَ ،
وَهُوَ قائِلٌ السُّقْيا. فقُلْتُ : يارَسُولَ اللهِ ،
إنَّ أهْلَكَ يَقْرَءُونَ عَلَيكَ السَّلامَ وَ
رَحْمَةَ اللهِ ، إنَّهُمْ قَدْ خَشُوا أنْ يَقْتَطَعُوا
دُونَكَ فانْتَظِرْهُمْ . قُلْتُ : يارَسُولَ اللهِ ،
أصَبْتُ حِمارَ وَحْشٍ وَعِنْدِي مِنْهُ
فاضِلَةٌ ، فَقالَ للقَوْمِ : كُلُوا ، وَهُمْ
مُحْرِمُونَ .

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(1) They were laughing because they saw an onager and could not hunt it because they were in a state of Iḥrām ; neither were they allowed to draw the attention of Qatāda's father who was not a Muḥrim then.

(2) Perhaps Abū Qatāda hurried to reach the Prophet ﷺ so that he might ask him whether it was legal for the Muḥrims to eat from that game since some of his companions had refused to eat.

the people to eat it though all of them were in the state of Iḥrām."

CHAPTER. If (the Muḥrims) saw game and then laughed and a non-Muḥrim understood (why they laughed) (then their laughing is not to be considered as an intentional sign to draw the non-Muḥrim's attention. Therefore they are allowed to eat the game.)

بابٌ: إذَا رَأى المُحْرِمُونَ صَيْدًا فَضَحِكُوا فَفَطِنَ الحَلالُ.

48. Narrated ʿAbdullāh bin Abū Qatāda that his father said, "We proceeded with the Prophet ﷺ in the year of Al-Ḥudaibiya and his companions assumed Iḥrām but I did not. We were informed that some enemies were at Ghaiqa and so we went on towards them. My companions saw an onager and some of them started laughing among themselves. I looked and saw it. I chased it with my horse and stabbed and caught it. I wanted some help from my companions but they refused. (I slaughtered it all alone). We all ate from it (i.e. its meat). Then I followed Allāh's Apostle ﷺ lest we should be left behind. At times I urged my horse to run at a galloping speed and at other times at an ordinary slow speed. On the way I met a man from the tribe of Banī Ghifār at midnight. I asked him where he had left Allāh's Apostle ﷺ. The man replied that he had left the Prophet ﷺ at a place called Taʿhun and he had the intention of having the midday rest at As-Suqyā. So, I followed Allāh's Apostle ﷺ till I reached him and said, "O Allāh's

٤٨ - حدَّثَنا سَعِيدُ بنُ الرَّبِيعِ: حدَّثَنا عليُّ بنُ المُبارَكِ، عَنْ يَحْيَى، عَنْ عَبْدِ اللهِ بنِ أبي قَتادَةَ: أنَّ أباهُ حدَّثَه قالَ: انْطَلَقْنا مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم عامَ الحُدَيْبِيَةِ فأحْرَمَ أصحابُه ولَمْ أحْرِمْ، فَأُنْبِئْنا بِعَدُوٍّ بِغَيْقَةَ فَتَوَجَّهْنا نَحْوَهُمْ، فَبَصُرَ أصْحابي بِحِمارِ وَحْشٍ فَجَعَلَ بَعْضُهُمْ يَضْحَكُ إلى بَعْضٍ. فَنَظَرْتُ فَرَأيْتُهُ فَحَمَلْتُ عَلَيْهِ الفَرَسَ فَطَعَنْتُهُ فأثْبَتُّهُ، فاستَعَنْتُهُمْ فأبَوْا أنْ يُعِينُونى. فأكَلْنا مِنْهُ، ثُمَّ لحِقْتُ بِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم وَخَشِينا أنْ نُقْتَطَعَ، أرْفَعُ فَرَسِي شَأوًا وَأسِيرُ عَلَيْهِ شَأوًا، فَلَقِيتُ رَجُلًا مِنْ بَنِي غِفارٍ فى جَوْفِ اللَّيْلِ فَقُلْتُ: أيْنَ تَرَكْتَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: تَرَكْتُهُ بِتَعْهِنَ وَهُوَ قائِلٌ السُّقْيا. فَلَحِقْتُ بِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم حتَّى أتَيْتُهُ، فَقُلْتُ:

Apostle! I have been sent by my companions who send you their greetings and compliments and ask for Allāh's Mercy and Blessings on you. They were afraid lest the enemy might intervene between you and them; so please wait for them." So he did. Then I said, "O Allāh's Apostle! We have hunted an onager and have some of it (i. e. its meat) left over." Allāh's Apostle ﷺ told his companions to eat the meat although all of them were in a state of Iḥram.

يا رَسُولَ اللهِ ، إنَّ أصْحابَكَ أرْسَلُوا يَقْرَءُونَ عَلَيْكَ السَّلامَ ورَحْمَةَ اللهِ وبَرَكاتِهِ ، وإنَّهُمْ قَدْ خَشُوا أنْ يَقْتَطِعَهُمُ العدوُّ دُونَكَ فانْظُرْهُمْ فَفَعَلَ. فَقُلْتُ : يا رَسُولَ اللهِ ، إنَّا أصَدْنا حِمارَ وَحْشٍ وإن عِنْدَنا فاضِلَةً فَقالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم لأصحابِهِ : كُلُوا ، وَهُمْ مُحْرِمُونَ .

CHAPTER. A Muḥrim should not help a non-Muḥrim in the hunting of game.

بابٌ لا يُعِينُ المحرِمُ الحَلالَ في قَتْلِ الصَّيْدِ .

49. Narrated Abū Qatāda ؓ: We were with the Prophet ﷺ at a place called Al-Qāḥa (which is at a distance of three stages of journey from Medīna). Abū Qatāda ؓ narrated through another group of narrators: We were with the Prophet ﷺ at a place called Al-Qāḥa and some of us had assumed Iḥrām while the others had not. I noticed that some of my companions were watching something, so I looked up and saw an onager. (I rode my horse and took the spear and whip) but my whip fell down (and I asked them to pick it up for me) but they said, "We will not help you by any means as we are in a state of Iḥrām." So, I picked up the whip myself and attacked the onager from behind a hillock and slaughtered it and brought it to my companions. Some of them said, "Eat it," While some others

٤٩ ـ حدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ : حدَّثَنا سُفْيانُ : حدَّثَنا صالحُ بنُ كَيْسانَ ، عَنْ أبي مُحَمَّدٍ : سَمِعَ أبا قَتادَةَ رَضِيَ اللهُ عَنْهُ قالَ : كُنَّا مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم بالقاحَةِ مِنَ المَدِينَةِ عَلَى ثَلاثٍ ح . وحدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ : حدَّثَنا سُفْيانُ : حدَّثَنا صالحُ بنُ كَيْسانَ ، عَنْ أبي مُحَمَّدٍ ، عَنْ أبي قَتادَةَ رَضِيَ اللهُ عَنْهُ قالَ : كُنَّا مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم بالقاحَةِ ومِنَّا المحرِمُ ومِنَّا غَيرُ المحرِمِ ، فَرَأيْتُ أصْحابي يَتَراءَوْنَ شَيْئًا ، فَنَظَرْتُ فإذا حِمارُ وَحْشٍ يَعْنِي وَقَعَ سَوْطُهُ فَقالُوا : لا نُعِينُكَ عَلَيْهِ بِشَيْءٍ ، إنَّا مُحْرِمُونَ . فَتَناوَلْتُهُ فأخَذْتُهُ ثُمَّ أتَيْتُ الحِمارَ مِنْ وَراءِ أكَمَةٍ فَعَقَرْتُهُ فأتَيْتُ

said, "Do not eat it." So, I went to the Prophet ﷺ who was ahead of us and asked him about it, He replied, "Eat it as it is Ḥalāl (i. e. it is legal to eat it)."

CHAPTER. A Muḥrim should not point at an animal for hunt with the intention that a non-Muḥrim may hunt it.

50. Narrated ʿAbdullāh bin Abū Qatāda that his father had told him that Allāh's Apostle ﷺ set out for Ḥajj and so did his companions. He sent a batch of his companions by another route and Abū Qatāda was one of them. The Prophet ﷺ said to them, "Proceed along the sea-shore till we meet all together." So, they took the route of the sea-shore, and when they started all of them assumed Iḥrām except Abū Qatāda. While they were proceeding on, his companions saw a group of onagers. Abū Qatāda chased the onagers and attacked and wounded a she-onager. They got down and ate some of its meat and said to each other, 'How do we eat the meat of the game while we are in a state of Iḥrām?' So, we (they) carried the rest of the she-onager's meat, and when they met Allāh's Apostle ﷺ they asked, "O Allāh's Apostle! We had assumed Iḥrām with the exception of Abū Qatāda who had not, and we saw (a group) of onagers. Abū Qatāda attacked them and

بِهِ أصحابي فَقالَ بَعْضُهُمْ: كُلُوا، وقالَ بَعْضُهُمْ: لا تأكُلوا. فأتَيْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم وَهُوَ أمامَنا فَسَألْتُهُ فَقالَ: كُلُوهُ حَلالٌ، قالَ لَنا عَمْرٌو: اذْهَبُوا إلى صالحٍ فَسَلُوهُ عَنْ هذا وَغَيْرِهِ، وَقَدِمَ عَلَيْنا هاهُنا.

بابٌ لا يَشيرُ المحرِمُ إلى الصَّيْدِ لِكَيْ يَصطادَهُ الحَلالُ.

٥٠ ـ حدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا أبُو عَوانَةَ: حدَّثَنا عُثمانُ هُوَ ابنُ مَوهَب، قالَ: أخْبرَنى عَبْدُ اللهِ بن أبي قَتادَةَ، أنَّ أباه أخْبَرَه أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ خَرَجَ حاجًّا، فَخَرَجُوا مَعَهُ فَصَرَفَ طائفَةً مِنْهُمْ فِيهِم أبُو قَتادَةَ فَقالَ: خُذُوا ساحِلَ البَحْرِ حتَّى نَلْتَقِيَ، فاخَذُوا ساحِلَ البَحْرِ. فَلَمَّا انْصَرَفُوا أحْرَمُوا كُلُّهُمْ إلا أباقَتادَةَ لَمْ يُحْرِمْ، فَبَيْنَما هُمْ يَسيرُونَ إذْ رَأوْا حُمُرَ وَحْشٍ فَحَمَلَ أبُو قَتادَةَ عَلَى الحُمُرِ فَعَقَرَ مِنْها أتاناً، فَنَزَلُوا فَأكَلُوا مِنْ لَحْمِها وقالُوا: أنَأكُلُ لَحمَ صَيْدٍ و نَحْنُ مُحْرِمُونَ؟ فَحَمَلْنا ما بَقِيَ مِن لَحْمِ الأتانِ فَلَمَّا أتَوْا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالُوا: يا رَسُولَ اللهِ، إنَّا كُنَّا أحْرَمْنا وَقَدْ كانَ أبُو قَتادَةَ لَمْ يُحْرِمْ فَرَأيْنا حُمُرَ

wounded a she-onager from them. Then we got down and ate from its meat and then said, (to each other), 'How do we eat the meat of the game and we are in a state of Iḥrām?' So, we carried the rest of its meat." The Prophet ﷺ asked, "Did anyone of you order Abū Qatāda to attack it or point at it?" They replied in the negative. He said, "Then eat what is left of its meat."

وَحْشٍ فَحَمَلَ عَلَيْهَا أَبُو قَتَادَةَ فَعَقَرَ مِنْهَا أَتَانًا فَنَزَلْنَا فَأَكَلْنَا مِنْ لَحْمِهَا ثُمَّ قُلْنَا: أَنَأْكُلُ لَحْمَ صَيْدٍ وَنَحْنُ مُحْرِمُونَ؟ فَحَمَلْنَا مَا بَقِيَ مِنْ لَحْمِهَا. قَالَ: أَمِنْكُمْ أَحَدٌ أَمَرَهُ أَنْ يَحْمِلَ عَلَيْهَا أَوْ أَشَارَ إِلَيْهَا؟ قَالُوا: لا، قَالَ: فَكُلُوا مَا بَقِيَ مِنْ لَحْمِهَا.

CHAPTER. If any person gave a living onager as a present to a Muḥrim then he should not accept it.

بَابٌ إِذَا أَهْدَى لِلْمُحْرِمِ حِمَارًا وَحْشِيًا حَيًّا لَمْ يَقْبَلْ.

51. Narrated ʿAbdullāh bin ʿAbbās رضي الله عنهما from As-Saʿb bin Jath-thāma Al-Laithī that the latter presented an onager to Allāh's Apostle ﷺ while he was at Al-Abwā' or at Waddān, and he refused it. On noticing the signs of some unpleasant feeling of disappointment on his (As-Saʿb's) face, the Prophet ﷺ said to him, "I have only returned it because I am Muḥrim."

٥١ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللهِ بْنِ عَبَّاسٍ، عَنِ الصَّعْبِ بْنِ جَثَّامَةَ اللَّيْثِيِّ: أَنَّهُ أَهْدَى لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم حِمَارًا وَحْشِيًا وَهُوَ بِالأَبْوَاءِ أَوْ بِوَدَّانَ فَرَدَّهُ عَلَيْهِ. فَلَمَّا رَأَى مَا فِي وَجْهِهِ قَالَ: إِنَّا لَمْ نَرُدُّهُ عَلَيْكَ إِلاَّ أَنَّا حُرُمٌ.

CHAPTER. (What kind of) animals can be killed by a Muḥrim.

بَابٌ مَا يَقْتُلُ الْمُحْرِمُ مِنَ الدَّوَابِّ.

52. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما: Allāh's Apostle ﷺ said, "It is not sinful of a Muḥrim to kill five kinds of animals."

٥٢ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قَالَ: خَمْسٌ مِنَ

الدَّوَابِّ لَيْسَ عَلَى المحرِمِ فِى قَتْلِهِنَّ جُنَاحٌ : وَعَنْ عَبْدِ اللهِ بنِ دِينارٍ ، - عَنْ عَبْدِ اللهِ بنِ عُمَرَ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ :

53. One of the wives of the Prophet ﷺ narrated: The Prophet ﷺ said, "A Muḥrim can kill (five kinds of animals)."

٥٣ ـ حدَّثَنا مُسَدَّدٌ : حدَّثَنا أَبُوعَوَانَةَ ، عَنْ زَيْدِ بنِ جُبَيْرٍ ، قالَ : سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ : حدَّثَتْنِى إِحْدَى نِسْوَةِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم ، قالَ : يَقْتُلُ المحْرِمُ .

54. Narrated Ḥafṣa رضي الله عنها: Allāh's Apostle ﷺ said, "It is not sinful (of a Muḥrim) to kill five kinds of animals, namely: the crow, the kite, the mouse, the scorpion and the rabid dog."

٥٤ ـ حدَّثَنا أَصْبَغُ بنُ الفَرَجِ قالَ : أَخْبَرَنى عَبْدُ اللهِ بنُ وُهَيْبٍ ، عَنْ يُونُسَ ، عَنِ ابنِ شِهابٍ ، عَنْ سالِمٍ ، قالَ : قالَ : عَبْدُ اللهِ بنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: قالَتْ حَفْصَةُ : قالَ رَسُول اللهِ صلى اللهُ عليهِ وسلَّم: خَمْسٌ مِنَ الدَّوَابِّ لا حَرَجَ عَلَى مَنْ قَتَلَهُنَّ: الغُرَابُ ، وَالحِدَأَةُ ، وَالفَأْرَةُ وَالعَقْرَبُ ، والكَلْبُ العَقُورُ .

55. Narrated ʿĀisha رضي الله عنها: Allāh's Apostle ﷺ said, "Five kinds of animals are harmful and could be killed in the Ḥaram (Sanctuary). These are: the crow, the kite, the scorpion, the mouse and the rabid dog."

٥٥ ـ حدَّثَنا يَحْيى بنُ سُلَيْمان قالَ : حدَّثَنِى ابنُ وَهْبٍ قالَ : أَخْبَرَنى يُونُسَ ، عَنِ ابنِ شِهابٍ ، عَنْ عُرْوَةَ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : خَمْسٌ مِنَ الدَّوَابِّ كُلُّهُنَّ فاسِقٌ ، يُقْتَلْنَ فى

الحَرَمِ: الغُرَابُ، وَالحِدَأُ، وَالعَقْرَبُ، وَالفَأْرَةُ، وَالكَلْبُ العَقُورُ.

56. Narrated ʿAbdullāh (رضي الله عنه) : While we were with the Prophet ﷺ in a cave in Minā, all of a sudden the Holy Verses of Sūrat-al-Mursalāt were revealed and the Prophet ﷺ began to recite it and I got it (directly) from his mouth. The Prophet ﷺ was still reciting when suddenly a snake jumped at us and the Prophet ﷺ ordered us to kill it. We hurried for it but it ran away. The Prophet ﷺ said, "It was protected from your evil as you were protected from its evil."

٥٦ - حَدَّثَنَا عُمَرُ بْنُ حَفْصِ بْنِ غِيَاثٍ: حَدَّثَنَا أَبِى: حَدَّثَنَا الأَعْمَشُ قَالَ: حَدَّثَنِى إِبْرَاهِيمُ، عَنِ الأَسْوَدِ، عَنْ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُ قَالَ: بَيْنَمَا نَحْنُ مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم فى غَارٍ بِمِنًى إِذْ نَزَلَ عَلَيْهِ ـ وَالمُرْسَلاتِ ـ وَإِنَّهُ لَيَتْلُوهَا وَإِنِّى لأَتَلَقَّاهَا مِنْ فِيهِ وَإِنَّ فَاهُ لَرَطْبَةٌ بِهَا إِذْ وَثَبَتْ عَلَيْنَا حَيَّةٌ فَقَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: اقْتُلُوهَا، فَابْتَدَرْنَاهَا فَذَهَبَتْ، فَقَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: وُقِيَتْ شَرَّكُمْ كَمَا وُقِيتُمْ شَرَّهَا.

57. Narrated ʿĀisha (رضي الله عنها) , the wife of the Prophet ﷺ : Allāh's Apostle ﷺ called the salamander a bad animal, but I did not hear him ordering it to be killed."

٥٧ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِى مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ رَضِىَ اللهُ عَنْهَا زَوْجِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قَالَ لِلْوَزَغِ: فُوَيْسِقٌ، وَلَمْ أَسْمَعْهُ أَمَرَ بِقَتْلِهِ.

CHAPTER. It is not permissible to cut the trees (1) of the Ḥaram (the sanctuary of Mecca). Narrated Ibn ʿAbbās (رضي الله عنهما) : The Prophet ﷺ said, "Its (the Ḥaram's) thorny bushes are not allowed to be cut off."

بابٌ لا يُعْضَدُ شَجَرُ الحَرَمِ.

وَقَالَ ابْنُ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم: لا يُعْضَدُ شَوْكُهُ.

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(1) Trees: Naturally grown not planted or sowed by you.

58. Narrated Saʿīd bin Abū Saʿīd Al-Maqburī: Abū Shuraiḥ Al-ʿAdawī said that he had said to ʿAmr bin Saʿīd when he was sending the troops to Mecca (to fight ʿAbdullāh bin Az-Zubair), "O Chief! Allow me to tell you what Allāh's Apostle ﷺ said on the day following the Conquest of Mecca. My ears heard that (directly) and my heart understood it (thoroughly) and I saw with my eyes the Prophet ﷺ when he, after Glorifying and Praising Allāh, started saying, "Allāh, not the people, made Mecca a sanctuary, so anybody who has belief in Allāh and the Last Day should neither shed blood in it, nor should he cut down its trees. If anybody argues that fighting in it is permissible on the basis that the Prophet ﷺ did fight in Mecca, say to him, 'Allāh allowed the Prophet ﷺ and did not allow you.' Allāh allowed me to fight for a portion of a day, and today its sanctity is valid as it was before. So, the present ones should inform the absent ones (concerning this fact)." Abū Shuraiḥ was asked, "What did ʿAmr say to you?" He said, (ʿAmr said) 'O Abū Shuraiḥ! I know better than you in this respect. Mecca does not give protection to a sinner, a murderer or a thief.' "

٥٨ ـ حَدَّثَنَا قُتَيْبَةُ : حَدَّثَنَا اللَّيْثُ ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ ، عَنْ أَبِي شُرَيْحٍ الْعَدَوِيِّ أَنَّهُ قَالَ : لِعَمْرِو بْنِ سَعِيدٍ وَهُوَ يَبْعَثُ الْبُعُوثَ إِلَى مَكَّةَ : ائْذَنْ لِي أَيُّهَا الأَمِيرُ أُحَدِّثْكَ قَوْلاً قَامَ بِهِ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم الْغَدَ مِنْ يَوْمِ الْفَتْحِ ، فَسَمِعَتْهُ أُذُنَايَ ، وَوَعَاهُ قَلْبِي ، وَأَبْصَرَتْهُ عَيْنَايَ حِينَ تَكَلَّمَ بِهِ . إِنَّهُ حَمِدَ اللهَ وَأَثْنَى عَلَيْهِ . ثُمَّ قَالَ : إِنَّ مَكَّةَ حَرَّمَهَا اللهُ وَلَمْ يُحَرِّمْهَا النَّاسُ فَلاَ يَحِلُّ لاِمْرِئٍ يُؤْمِنُ بِاللهِ وَالْيَوْمِ الآخِرِ أَنْ يَسْفِكَ بِهَا دَمًا وَلاَ يَعْضُدَ بِهَا شَجَرَةً . فَإِنْ أَحَدٌ تَرَخَّصَ لِقِتَالِ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم فَقُولُوا لَهُ : إِنَّ اللهَ أَذِنَ لِرَسُولِهِ صلى اللهُ عليه وسلَّم: وَلَمْ يَأْذَنْ لَكُمْ . وَإِنَّمَا أَذِنَ لِي سَاعَةً مِنْ نَهَارٍ وَقَدْ عَادَتْ حُرْمَتُهَا الْيَوْمَ كَحُرْمَتِهَا بِالأَمْسِ . وَلْيُبَلِّغِ الشَّاهِدُ الْغَائِبَ . فَقِيلَ لأَبِي شُرَيْحٍ . مَا قَالَ لَكَ عَمْرٌو ؟ قَالَ : أَنَا أَعْلَمُ بِذَلِكَ مِنْكَ يَا أَبَا شُرَيْحٍ ، إِنَّ الْحَرَمَ لاَ يُعِيذُ عَاصِيًا وَلاَ فَارًّا بِدَمٍ ، وَلاَ فَارًّا بِخُرْبَةٍ . خُرْبَةٌ : بَلِيَّةٌ .

CHAPTER. The game in the Ḥaram (Sanctuary) should not be chased or disturbed.

بَابٌ لاَ يُنَفَّرُ صَيْدُ الْحَرَمِ .

59. Narrated K͟hālid from ʿIkrima : Ibn ʿAbbās ؓ said, "The Prophet ﷺ said, ' Allāh has made Mecca a sanctuary, so it was a sanctuary before me and will continue to be a sanctuary after me. It was made legal for me (i. e. I was allowed to fight in it) for a few hours of a day. It is not permissible to cut the shrubs and grass from its precincts or to cut down its trees, or to chase (or disturb) its game, or to pick up its fallen things except by a person who would announce that (what he has found) publicly.' Al- ʿAbbās said, ' O Allah's Apostle ! Exempt Al-Id͟hk͟hir (a kind of grass) (for it is used) by our goldsmiths and for our graves.' The Prophet ﷺ then said, ' Except Al-Id͟hk͟hir.' " ʿIkrima said, ' Do you know what " chasing or disturbing " the game means? It means driving it out of the shade to occupy its place." (1)

٥٩ - حَدَّثَنَا مُحَمَّدُ بنُ المُثَنَّى: حَدَّثَنَا عَبْدُ الوَهَّابِ: حَدَّثَنَا خَالِدٌ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم قالَ: إنَّ اللهَ حَرَّمَ مَكَّةَ فَلَمْ تَحِلَّ لأَحَدٍ قَبْلِي، وَلا تَحِلُّ لأَحَدٍ بَعْدِي، وَإنَّمَا أُحِلَّتْ لِي سَاعَةً مِنْ نَهَارٍ لا يُخْتَلَى خَلاهَا، وَلا يُعْضَدُ شَجَرُهَا، وَلا يُنَفَّرُ صَيْدُهَا، وَلا تُلْتَقَطُ لُقَطَتُهَا إلاَّ لِمُعَرِّفٍ. وقالَ العَبَّاسُ: يا رَسُولَ اللهِ، إلاَّ الإذْخِرَ لِصَاغَتِنَا وَقُبُورِنَا. فَقَالَ: إلاَّ الإذْخِرَ. وَعَنْ خَالِدٍ عَنْ عِكْرِمَةَ قالَ: هَلْ تَدْرِي ما لا يُنَفَّرُ صَيْدُهَا؟ هُوَ أنْ يُنَحِّيَهُ مِنَ الظِّلِّ، يَنْزِلُ مَكَانَهُ.

CHAPTER. Fighting is prohibited in Mecca.

Narrated Abū S͟huraiḥ that the Prophet ﷺ said, " It is forbidden to shed blood in Mecca."

باب لا يَحِلُّ القِتَالُ بِمَكَّةَ.

وقالَ أبُو شُرَيْحٍ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم لا يَسْفِكُ بِهَا دَمًا.

60. Narrated Ibn ʿAbbās ؓ : On the day the Prophet ﷺ conquered Mecca, he said, " There is no more emigration (from Mecca) but there is only Jihād

٦٠ - حَدَّثَنَا عُثْمَانُ بنُ أبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ طَاوُسٍ، عَنِ ابنِ عَبَّاسٍ

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(1) ʿAṭāʾ and Mujāhid disagree with ʿIkrima for they think that it is permissible to dismiss the game, unless that brings about its death.

and intentions, and whenever you are called for Jihād, you should go immediately. No doubt, Allāh has made this place (Mecca) a sanctuary since the creation of the heavens and the earth and will remain a sanctuary till the Day of Resurrection as Allāh has ordained its sanctity. Fighting was not permissible in it for anyone before me, and even for me it was allowed only for a portion of a day. So, it is a sanctuary with Allāh's sanctity till the Day of Resurrection. Its thorns should not be plucked and its game should not be frightened and chased out; and its fallen things should not be picked up except by one who would announce that publicly, and its vegetation (grass etc.) should not be cut." Al-ʿAbbās said, "O Allāh's Apostle! Except Al-Idhkhir, for it is used by their blacksmiths and for their domestic purposes." So, the Prophet ﷺ said, "Except Al-Idhkhir."

رَضِيَ اللهُ عَنْهما قالَ: قالَ النَّبِيُّ صلى الله عليه وسلَّم يَوْمَ افْتَتَحَ مَكَّةَ: لا هِجْرَةَ وَلَكِنْ جِهادٌ وَنِيَّةٌ، وَإِذا اسْتُنْفِرْتُمْ فانْفِرُوا، فإنَّ هذا بَلَدٌ حَرَّمَ اللهُ يَوْمَ خَلَقَ السَّمَوَاتِ وَالأَرْضَ، وَهُوَ حَرَامٌ بِحُرْمَةِ اللهِ إلى يَوْمِ القِيامَةِ. وإنَّهُ لا يَحِلُّ القِتالُ فيهِ لأَحَدٍ قَبْلِي، ولَمْ يَحِلَّ لي إلاَّ ساعَةً مِنْ نَهارٍ، فَهُوَ حَرامٌ بِحُرْمَةِ اللهِ إلى يَوْمِ القِيامَةِ لا يُعْضَدُ شَوْكُهُ، وَلا يُنَفَّرُ صَيْدُهُ، وَلا يَلْتَقِطُ لُقَطَتَهُ إلاَّ مَنْ عَرَّفَها وَلا يُخْتَلَى خَلاها. قالَ العَبَّاسُ: يا رَسُولَ اللهِ، إلاَّ الإِذْخِرَ فإنَّهُ لِقَيْنِهِمْ ولِبُيُوتِهِمْ، قالَ: قالَ: إلاَّ الإِذْخِرَ.

CHAPTER. Cupping (i. e. letting out of the blood medically) for a Muḥrim.

Ibn ʿUmar branded his son while he was in a state of Iḥrām, and it is permissible for a Muḥrim to take medicine on condition that it contains no perfume.

بابُ الحِجامَةِ لِلْمُحْرِمِ، وكَوَى ابنُ عُمَرَ ابْنَهُ وَهُوَ مُحْرِمٌ، ويَتَداوَى ما لَمْ يَكُنْ فيهِ طِيبٌ.

61. Narrated Ibn ʿAbbās رضي الله عنهما: Allāh's Apostle ﷺ was cupped while he was in a state of Iḥrām.

٦١ ـ حدَّثنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثنا سُفْيانُ قالَ: قالَ لَنا عَمْرٌو: أوَّلُ شَيْءٍ سَمِعْتُ عَطاءً يَقُولُ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: احْتَجَمَ رَسُولُ اللهِ صلى الله عليه وسلَّم وهُوَ مُحْرِمٌ. ثُمَّ سَمِعْتُهُ يَقُولُ: حدَّثني

طاوُسٍ، عَنِ ابنِ عَبَّاسٍ. فَقُلْتُ: لَعَلَّهُ سَمِعَهُ مِنْهُما.

62. Narrated Ibn Buhaina ؓ: The Prophet ﷺ, while in the state of Iḥrām, was cupped at the middle of his head at Liḥā-Jamal.

٦٢ - حدَّثنا خالِدُ بنُ مَخلد: حدَّثنا سُلَيْمانُ بنُ بِلال، عَنْ عَلْقَمَةَ بنِ أبي عَلْقَمَةَ، عَنْ عَبْدِ الرَّحْمَنِ الأعْرَجِ، عَنِ ابنِ بُحَيْنَةَ رَضِيَ اللهُ عَنْهُ قالَ: احْتَجَمَ النَّبِيُّ صلى اللهُ عليه وسلَّم و هُوَ مُحْرِمٌ بِلَحْيِ جَمَلٍ فى وَسَطِ رَأسِهِ.

CHAPTER. The marrying of a Muḥrim.

بابُ تَزْوِيجِ المحْرِمِ.

63. Narrated Ibn ʿAbbās ؓ: The Prophet ﷺ married Maimūna while he was in the state of Iḥrām. (The ceremonies of marriage were held only.)

٦٣ - حدَّثنا أبُو المُغِيرَةِ عَبْدُ القُدُّوسِ بنُ الحَجَّاجِ: حدَّثنا الأوْزاعِيُّ: حدَّثني عَطاءُ بنُ رَباحٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم تَزَوَّجَ مَيْمُونَةَ و هُوَ مُحْرِمٌ.

CHAPTER. What is forbidden for a Muḥrim (male or female) as regards (the finishing) scents or perfumes.

ʿAisha ؓ said, "A woman in the state of Iḥrām should not wear clothes perfumed with Wars or saffron."

بابُ ما يُنْهَى مِنَ الطِّيبِ لِلْمُحْرِمِ والمُحْرِمَةِ.

و قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: لا تَلْبَسُ المحْرِمَةُ ثَوْبًا بِوَرْسٍ أو زَعْفَرانٍ.

64. Narrated ʿAbdullāh bin ʿUmar ؓ: A person stood up and asked, "O Allāh's Apostle! What clothes may be worn in the state of Iḥrām?" The Prophet ﷺ replied, "Do not wear a shirt or trousers, or any headgear (e. g. a turban), or a

٦٤ - حدَّثنا عَبْدُ اللهِ بنُ يَزِيدَ: حدَّثنا اللَّيْثُ: حدَّثنا نافِعٌ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قامَ رَجُلٌ فَقالَ: يا رَسُولَ اللهِ، ماذا تَأمُرُنا أنْ نَلْبَسَ مِنَ الثِّيابِ فى الإحْرامِ؟

hooded cloak; but if somebody has no shoes he can wear leather stockings provided they are cut short off the ankles, and also, do not wear anything perfumed with Wars or saffron, and the Muḥrima (a woman in the state of Iḥrām) should not cover her face, or wear gloves."

(The statements of some religious erudite scholars and their verdicts not translated.)

65. Narrated Ibn ʿAbbās ﵄: A man was crushed to death by his she-camel and was brought to Allāh's Apostle ﷺ who said, "Give him a bath and shroud him, but do not cover his head and not bring perfume near him, as he will be resurrected reciting Talbīya."

CHAPTER. The taking of a bath by a Muḥrim. And Ibn ʿAbbās ﵄ said that a Muḥrim could enter a bathroom, and Ibn ʿUmar and ʿĀisha did not think there was any harm in scratching the body.

فَقَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم لا تَلْبَسُوا القَمِيصَ، ولا السَّرَاوِيلاتِ، ولا العَمائمَ، ولا البرَانِسَ إلاَّ أنْ يَكُونَ أحَدٌ لَيْسَتْ له نَعْلانِ فَلْيَلْبَسِ الخُفَّيْنِ وليَقْطَعْ أسْفَلَ مِنَ الكَعْبَيْنِ. ولا تَلْبَسُوا شَيْئًا مَسَّه زَعْفَرَانٌ ولاالوَرْس. ولا تَنْتَقِبِ المَرْأة المحرِمَةُ ولا تَلْبَسِ القُفَّازَيْنِ. تابَعَهُ مُوسَى بنُ عُقْبَةَ و إسماعِيلُ بنُ إبْرَاهِيمَ بنِ عُقْبَةَ و جُوَيْرِيَةُ و ابنُ إسحاقَ فى النِّقابِ والقُفَّازَيْنِ. و قالَ عُبَيْدُ اللهِ: ولا وَرْسٌ. و كانَ يَقُولُ: لا تَنْتَقِبِ المحرِمَةُ ولا تَلْبَسِ القُفَّازَيْنِ. و قالَ مالكٌ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ: لا تَنْتَقِبِ المحرِمَةُ. و تابَعَهُ لَيْثُ بنُ أبي سُلَيمٍ.

٦٥ ـ حدَّثَنا قُتَيْبَةُ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنِ الحَكَمِ، عَنْ سَعِيدِ ابنِ جُبَيرٍ. عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: وقَصَتْ بِرَجُلٍ محرِمٍ ناقَتُه فَقَتَلَتْهُ، فأتِيَ بِهِ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فقالَ: اغسِلُوهُ و كَفِّنُوهُ، ولا تُغَطُّوا رَأسَهُ، ولا تُقَرِّبُوهُ طِيبا، فإنَّهُ يُبْعَثُ يُهِلُّ.

بابُ الاغتِسالِ للمُحْرِمِ. و قالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: يَدْخُلُ المحرِمُ الحَمَّامَ. ولمْ يرَ ابنُ عُمَرَ و عائِشَةُ بالحَكِّ بأسا.

66. Narrated ʿAbdullāh bin Ḥunain : ʿAbdullāh bin Al-ʿAbbās and Al-Miswar bin Makhrama differed at Al-Abwā›; Ibn ʿAbbās said that a Muḥrim could wash his head ; while Al-Miswar maintained that he should not do so. ʿAbdullāh bin ʿAbbās sent me to Abū Aiyūb Al-Anṣārī and I found him bathing between the two wooden posts (of the well) and was screened with a sheet of cloth. I greeted him and he asked who I was. I replied, "I am ʿAbdullāh bin Ḥunain and was sent to you by Ibn ʿAbbās to ask you how Allāh's Apostle ﷺ used to wash his head while in the state of Iḥrām." Abū Aiyūb Al-Anṣārī caught hold of the sheet of cloth and lowered it till his head appeared before me, and then told somebody to pour water on his head. He poured water on his head, and he (Abū Aiyūb) rubbed his head with his hands by bringing them from back to front and from front to back and said, "I saw the Prophet ﷺ doing like this."

٦٦ ـ حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ : أَخْبَرَنَا مَالِكٌ ، عَنْ زَيْدِ بنِ أَسْلَمَ ، عَنْ إِبْرَاهِيمَ بنِ عَبْدِ اللهِ بنِ حُنَيْنٍ ، عَنْ أَبِيهِ : أَنَّ عَبْدَ اللهِ بنَ العَبَّاسِ ، وَالمِسْوَرَ ابنَ مَخْرَمَةَ اخْتَلَفَا بِالأَبْوَاءِ ، فَقَالَ عَبْدُ اللهِ بنُ عَبَّاسٍ : يَغْسِلُ المُحْرِمُ رَأْسَهُ . وَقَالَ المِسْوَرُ : لَا يَغْسِلُ المُحْرِمُ رَأْسَهُ . فَأَرْسَلَنِي عَبْدُ اللهِ ابنُ العَبَّاسِ إِلَى أَبِي أَيُّوبَ الأَنْصَارِيِّ فَوَجَدْتُهُ يَغْتَسِلُ بَيْنَ القَرْنَيْنِ . وَهُوَ يُسْتَرُ بِثَوْبٍ فَسَلَّمْتُ عَلَيْهِ . فَقَالَ : مَنْ هَذَا ؟ فَقُلْتُ : أَنَا عَبْدُ اللهِ بنُ حُنَيْنٍ ، أَرْسَلَنِي إِلَيْكَ عَبْدُ اللهِ بنُ العَبَّاسِ يَسْأَلُكَ كَيْفَ كَانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يَغْسِلُ رَأْسَهُ وَهُوَ مُحْرِمٌ ؟ فَوَضَعَ أَبُو أَيُّوبَ يَدَهُ عَلَى الثَّوْبِ فَطَأْطَأَهُ حَتَّى بَدَا لِي رَأْسُهُ . ثُمَّ قَالَ لِإِنْسَانٍ يَصُبُّ عَلَيْهِ : اصْبُبْ فَصَبَّ عَلَى رَأْسِهِ ثُمَّ حَرَّكَ رَأْسَهُ بِيَدَيْهِ فَأَقْبَلَ بِهِمَا وَأَدْبَرَ ، وَقَالَ هَكَذَا رَأَيْتُهُ صلى اللهُ عليهِ وسلَّم يَفْعَلُ .

CHAPTER. Wearing of Khuffs (leather stockings) by a Muḥrim if shoes are not available.

بابُ لُبْسِ الخُفَّيْنِ لِلْمُحْرِمِ إِذَا لَمْ يَجِدِ النَّعْلَيْنِ .

67. Narrated Ibn ʿAbbās رضي الله عنهما : I heard the Prophet ﷺ delivering a sermon at ʿArafāt saying, "If a Muḥrim does not find shoes, he could wear Khuffs;

٦٧ ـ حَدَّثَنَا أَبُو الوَلِيدِ : حَدَّثَنَا شُعْبَةُ قَالَ : أَخْبَرَنِي عَمْرُو بنُ دِينَارٍ : سَمِعْتُ جَابِرَ بنَ زَيْدٍ : سَمِعْتُ

and if he does not find an Izār (a waist sheet for wrapping the lower half of the body) he could wear trousers."

68. Narrated ʿAbdullāh رضي الله عنه : Allāh's Apostle ﷺ was asked what sort of clothes a Muḥrim may wear. He replied, "He should not wear a shirt, turbans, trousers, a hooded cloak, or a dress perfumed with saffron or Wars; and if shoes are not available he can wear Khuffs but he should cut them so that they reach below the ankles."

CHAPTER. If an Izār is not available one (i.e. a Muḥrim) can wear trousers.

69. Narrated Ibn ʿAbbās رضي الله عنهما : The Prophet ﷺ delivered a sermon at ʿArafāt and said, "Whoever does not get an Izār can wear trousers, and whoever cannot get a pair of shoes can wear Khuffs."

ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: سَمِعْتُ النَّبِيَّ صلى اللهُ عليه وسلَّم يَخْطُبُ بِعَرَفاتٍ: مَنْ لمْ يَجِدِ النَّعْلَيْنِ فَلْيَلْبَسِ الخُفَّيْنِ، و مَنْ لمْ يَجِدْ إزاراً فَلْيَلْبَسْ سَرَاوِيلَ لِلمُحْرِمِ.

٦٨ - حدَّثَنا أحْمَدُ بن يُونُسَ: حدَّثَنا إبْرَاهِيمُ بن سَعْدٍ: حدَّثَنا ابن شِهابٍ، عَنْ سالمٍ، عَنْ أبِيهِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ: سُئِلَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: ما يَلْبسُ المُحْرِمِ مِنَ الثِّيابِ؟ فَقالَ: لا يَلْبَسِ القَمِيصَ، ولا العَمائمَ، ولا السَّرَاوِيلاتِ، ولا البرْنُسَ ولا ثَوْباً مَسَّهُ زَعْفَرَانٌ ولا وَرْسٌ. و إنْ لمْ يَجِدْ نَعْلَيْنِ فَلْيَلْبَسِ الخُفَّيْنِ ولْيَقْطَعْهُما حتَّى يَكُونا أسْفَلَ مِنَ الكَعْبَيْنِ.

باب إذا لمْ يَجِدِ الإزَارَ فَلْيَلْبَسِ السَّرَاوِيلَ.

٦٩ - حدَّثَنا آدَم: حدَّثَنا شُعْبَةُ: حدَّثَنا عَمْرُو بنُ دِينارٍ، عَنْ جابِرِ بنِ زَيْدٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: خَطَبَنا النَّبِيُّ صلى اللهُ عليهِ وسلَّم بِعَرَفاتٍ فَقالَ: مَنْ لمْ يَجِدِ الإزَارَ فَلْيَلْبَسِ السَّرَاوِيلَ، و مَنْ لمْ يَجِدِ النَّعْلَيْنِ فَلْيَلْبَسِ الخُفَّيْنِ.

CHAPTER. Carrying of arms by a Muḥrim. According to ʿIkrima one can carry arms if he fears the enemy, but the Fidya (compulsory penalty) has to be paid. No scholar agrees with him on necessating the Fidya.

باب لُبْسِ السِّلاحِ للمُحْرِمِ. وقالَ عِكْرِمَةُ: إذا خَشِيَ العَدُوَّ لَبِسَ السِّلاحَ وافْتَدَى، ولم يُتابَعْ عَلَيْهِ فى الفِدْيَةِ.

70. Narrated Al-Barāʾ رضي الله عنه : The Prophet ﷺ assumed Iḥrām for ʿUmra in the month of Dhul-Qaʿda but the (pagan) people of Mecca refused to admit him into Mecca till he agreed on the condition that he would not bring into Mecca any arms but sheathed.

٧٠ـ حدَّثنا عُبَيْدُ اللهِ، عَنْ إسْرائيلَ، عَنْ أبي إسحاقَ، عَنِ البَراءِ رَضِيَ اللهُ عَنْهُ: اعْتَمَرَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فى ذِى القَعْدَةِ فأبى أهْلُ مَكَّةَ أنْ يَدَعُوهُ يَدْخُلُ مَكَّةَ حتَّى قاضاهُمْ لا يُدْخِلُ مَكَّةَ سلاحا إلاَّ فى القِرابِ.

CHAPTER. Entering the Ḥaram and Mecca without assuming Iḥrām. And Ibn ʿUmar entered (without Iḥrām) but the Prophet ﷺ ordered those intending to perform Ḥajj or ʿUmra to assume Iḥrām, but he did not mention the wood-cutters and the like (i. e. those who frequent the sanctuary of Mecca).

باب دُخُولِ الحَرَمِ و مَكَّةَ بغَيرِ إحْرامٍ و دَخَلَ ابنُ عُمَرَ، و إنَّما أمَرَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم بالإهْلالِ لِمَنْ أرادَ الحَجَّ والعُمْرَةَ، ولم يَذْكُرِ الحَطَّابِينَ و غَيرَهُمْ.

71. Narrated Ibn ʿAbbās رضي الله عنهما : The Prophet ﷺ fixed Dhul-Ḥulaifa as the Miqāt (the place for assuming Iḥrām) for the people of Medīna, and Qaran-al-Manāzil for the people of Najd, and Yalamlam for the people of Yemen. These Mawāqīt are for those people and also for those who come through these Mawāqīt (from places other than the above-mentioned) with the intention of (performing) Ḥajj and ʿUmra. And those living inside these Mawāqīt can

٧١ـ حدَّثنا مُسْلِمٌ: حدَّثنا وُهَيْبٌ: حدَّثنا ابنُ طاوُسٍ، عَنْ أبيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم وقَّتَ لأهْلِ المَدينَةِ ذا الحُلَيْفَةِ، ولأهْلِ نَجْدٍ قَرْنَ المَنازِلِ، ولأهْلِ اليَمَنِ يَلَمْلَمَ، هُنَّ لَهُنَّ ولِكُلِّ آتٍ أتى عَلَيْهِنَّ مِنْ غَيرِهِمْ مِمَّنْ أرادَ الحَجَّ والعُمْرَةَ.

assume Iḥrām from the place where they start; even the people of Mecca can assume Iḥrām from Mecca.

72. Narrated Anas bin Mālik رضي الله عنه : Allāh's Apostle ﷺ entered Mecca in the year of its Conquest wearing an Arabian helmet on his head(1) and when the Prophet ﷺ took it off, a person came and said, " Ibn Khaṭal is holding the covering of the Ka'ba (taking refuge in the Ka'ba). " The Prophet ﷺ said, "Kill him."(2)

CHAPTER. If somebody ignorantly assumed Iḥrām while wearing a shirt (will Fidya be compulsory ?). 'Aṭā' said, " There is no penalty on a Muḥrim who perfumes himself or wears stitched clothes out of ignorance or forgetfulness."

73. Narrated Ya'lī رضي الله عنه : While I was with Allāh's Apostle ﷺ there came to him a man wearing a cloak having a trace of yellowish perfume or a similar thing on it. 'Umar used to say to me, " Would you like to see the Prophet ﷺ

فَمَنْ كَانَ دُونَ ذَلِكَ فَمِنْ حَيْثُ أَنْشَأَ حَتَّى أَهْلُ مَكَّةَ مِنْ مَكَّةَ .

٧٢ ـ حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكٌ ، عَنِ ابْنِ شِهَابٍ ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللهُ عَنْهُ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم دَخَلَ عَامَ الفَتْحِ وَعَلَى رَأْسِهِ المِغْفَرُ ، فَلَمَّا نَزَعَهُ جَاءَ رَجُلٌ فَقَالَ : إِنَّ ابْنَ خَطَلٍ مُتَعَلِّقٌ بِأَسْتَارِ الكَعْبَةِ ، فَقَالَ : اقْتُلُوهُ .

بابٌ إِذَا أَحْرَمَ جَاهِلاً وَعَلَيْهِ قَمِيصٌ . وَقَالَ عَطَاءٌ : إِذَا تَطَيَّبَ أَوْ لَبِسَ جَاهِلاً أَوْ نَاسِياً فَلَا كَفَّارَةَ عَلَيْهِ .

٧٣ ـ حَدَّثَنَا أَبُو الوَلِيدِ : حَدَّثَنَا هَمَّامٌ : حَدَّثَنَا عَطَاءٌ قَالَ : حَدَّثَنِي صَفْوَانُ بْنُ يَعْلَى عَنْ أَبِيهِ قَالَ : كُنْتُ مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَأَتَاهُ رَجُلٌ عَلَيْهِ جُبَّةٌ فِيهِ أَثَرُ صُفْرَةٍ

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(1) A Muḥrim is not allowed to cover his head. The fact that the Prophet's head was covered while entering Mecca indicates that he had entered Mecca as a non-Muḥrim.

(2) Allāh's Apostle ﷺ, on conquering Mecca, forgave all the people of Mecca except some persons who had committed nasty crimes against Islām and Muslims.

at the time when he is inspired divinely ?" So, it happened that he was inspired (then) and when the inspiration was over the Prophet ﷺ said (to that man), "Do in your ʿUmra the same as you do in your Ḥajj." Somebody bit the hand of somebody else but in that process the latter broke one incisor tooth of the former, and the Prophet ﷺ forgave the latter.(1)

أَوْ نَحْوَهُ، كَانَ عُمَرُ يَقُولُ لِي: تُحِبُّ إِذَا نَزَلَ عَلَيْهِ الْوَحْيُ أَنْ تَرَاهُ؟ فَنَزَلَ عَلَيْهِ ثُمَّ سُرِّيَ عَنْهُ فَقَالَ عَلَيْهِ الصَّلاَةُ وَالسَّلاَمُ: اصْنَعْ فِي عُمْرَتِكَ مَا تَصْنَعُ فِي حَجِّكَ. وَعَضَّ رَجُلٌ يَدَ رَجُلٍ، يَعْنِي فَانْتَزَعَ ثَنِيَّتَهُ فَأَبْطَلَهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم.

CHAPTER. A Muḥrim died at ʿArafāt and the Prophet ﷺ did not order anybody to finish the remaining ceremonies of Ḥajj on his behalf.

بَابُ الْمُحْرِمِ يَمُوتُ بِعَرَفَةَ وَلَمْ يَأْمُرِ النَّبِيُّ صلى اللهُ عليهِ وسلَّم أَنْ يُؤَدَّى عَنْهُ بَقِيَّةُ الْحَجِّ.

74. Narrated Ibn ʿAbbās رضي الله عنهما : While a man was staying with the Prophet ﷺ at ʿArafāt, he fell from his Mount and his neck was crushed by it. The Prophet ﷺ said, "Wash the deceased with water and Sidr and shroud him in two pieces of cloth, and neither perfume him nor cover his head, for Allāh will resurrect him on the Day of Resurrection, reciting Talbīya."

٧٤ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: بَيْنَا رَجُلٌ وَاقِفٌ مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم بِعَرَفَةَ إِذْ وَقَعَ عَنْ رَاحِلَتِهِ فَوَقَصَتْهُ أَوْ قَالَ فَأَوْقَصَتْهُ. فَقَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: اغْسِلُوهُ بِمَاءٍ وَسِدْرٍ وَكَفِّنُوهُ فِي ثَوْبَيْنِ، أَوْ قَالَ: ثَوْبَيْهِ، وَلاَ تُحَنِّطُوهُ وَلاَ تُخَمِّرُوا رَأْسَهُ، فَإِنَّ اللهَ يَبْعَثُهُ يَوْمَ الْقِيَامَةِ يُلَبِّي.

75. Narrated Ibn ʿAbbās رضي الله عنهما : While a man was staying with the Prophet ﷺ at ʿArafāt, he fell from his Mount and his neck was crushed by it. The

٧٥ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادٌ، عَنْ أَيُّوبَ، عَنْ سَعِيدِ ابْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ

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(1) This piece of narration is a part of another Ḥadīth.

Prophet ﷺ said, "Wash the deceased with water and Sidr and shroud him in two pieces of cloth, and neither perfume him nor cover his head, for Allāh will resurrect him on the Day of Resurrection, reciting Talbīya."

CHAPTER. The tradition (burying) of a dead Muḥrim.

76. Narrated Ibn 'Abbās رضي الله عنهما : A man was in the company of the Prophet ﷺ and his she-camel crushed his neck while he was in a state of Iḥrām and he died. Allāh's Apostle ﷺ said, "Wash him with water and Sidr and shroud him in his two garments; and neither perfume him nor cover his head, for he will be resurrected on the Day of Resurrection, reciting Talbīya."

CHAPTER. To perform Ḥajj on behalf of a dead person and to fulfil his vows. A man can perform Ḥajj on behalf of a woman.

77. Narrated Ibn 'Abbās رضي الله عنهما : A woman from the tribe of Juhaina came to the Prophet ﷺ and said, "My mother had vowed to perform Ḥajj but she

عَنْهُما قال: بَيْنا رَجُلٌ وَاقِفٌ مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم بِعَرَفَةَ إِذْ وَقَعَ عَنْ رَاحِلَتِهِ فَوَقَصَتْهُ أَوْ قالَ فأَوْقَصَتْهُ فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم، اغْسِلُوهُ بِماءٍ وَسِدْرٍ وَكَفِّنُوهُ فى ثَوْبَيْنِ، ولا تَمَسُّوهُ طِيبًا ولا تُخَمِّرُوا رَأْسَهُ ولا تُحَنِّطُوهُ، فإنَّ اللهَ يَبْعَثُهُ يَوْمَ القِيامَةِ مُلَبِّيًا.

بابُ سُنَّةِ المُحْرِمِ إِذَا ماتَ.

٧٦ - حدَّثَنا يَعْقُوبُ بنُ إِبْرَاهِيمَ: حدَّثَنا هُشَيْمٌ: أخبرَنا أَبُو بِشْرٍ، عَنْ سَعِيدِ بن جُبَيْرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أنَّ رَجُلًا كانَ مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَوَقَصَتْهُ نَاقَتُهُ وَهُوَ مُحْرِمٌ فماتَ فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: اغْسِلُوهُ بِماءٍ وَسِدْرٍ وَكَفِّنُوهُ فى ثَوْبَيْهِ ولا تَمَسُّوهُ بِطِيبٍ ولا تُخَمِّرُوا رَأْسَهُ فإِنَّهُ يُبْعَثُ يَوْمَ القِيامَةِ مُلَبِّيًا.

بابُ الحَجِّ والنُّذُورِ عَنِ المَيِّتِ، والرَّجُلُ يَحُجُّ عَنِ المَرْأَةِ.

٧٧ - حدَّثَنا مُوسَى بنُ إِسْمَاعِيلَ: حدَّثَنا أَبُو عَوَانَةَ عَنْ أَبي بِشْرٍ، عَنْ سَعِيدِ بنِ جُبَيْرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ

died before performing it. May I perform Ḥajj on my mother's behalf?" The Prophet ﷺ replied, "Perform Ḥajj on her behalf. Had there been a debt on your mother, would you have paid it or not? So, pay Allāh's debt as He has more right to be paid."

CHAPTER. Performing Ḥajj for a person who cannot sit firmly on the Mount.

78. Narrated Ibn ʿAbbās رضي الله عنهما : A woman from the tribe of Khathʿam came in the year (of Ḥajjat-ul-wadāʾ of the Prophet ﷺ) and said, "O Allāh's Apostle! My father has come under the obligation of performing Ḥajj but he is a very old man and cannot sit on the Mount. Will the obligation be over if I perform the Ḥajj on his behalf?" The Prophet ﷺ replied in the affirmative.

CHAPTER. Performing Ḥajj by a woman on behalf of a man.

79. Narrated ʿAbdullāh bin ʿAbbās رضي الله عنهما : Al-Faḍl was riding behind the

اللهُ عَنْهُما : أنَّ امْرأةً مِنْ جُهَيْنَةَ جاءَتْ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ فَقالَتْ : إنَّ أمِّي نَذَرَتْ أنْ تَحُجَّ فَلَمْ تَحُجَّ حَتَّى ماتَتْ ، أفأحُجُّ عَنْها ؟ قالَ : نَعَمْ : حُجِّي عَنْها ، أرَأيْتِ لَوْ كانَ عَلى أمِّكِ دَيْنٌ ، أكُنْتِ قاضِيَتَهُ ؟ اقْضُوا اللهَ ، فاللهُ أحَقُّ بالوَفاءِ .

بابُ الحَجِّ عَمَّنْ لا يَسْتَطِيعُ الثُّبُوتَ عَلى الرَّاحِلَةِ .

٧٨ ـ حدَّثَنا أبُو عاصِمٍ ، عَنِ ابنِ جُرَيْجٍ ، عَنِ ابنِ شِهابٍ ، عَنْ سُلَيْمانَ ابنِ يَسارٍ ، عَنِ ابنِ عَبَّاسٍ ، عَنِ الفَضْلِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُ : أنَّ امْرأةً ح حدَّثَنا مُوسَى بنُ إسماعيلَ : حدَّثَنا عَبْدُ العَزِيزِ بنُ أبي سَلَمَةَ ، عَنِ ابنِ شِهابٍ ، عَنْ سُلَيْمانَ بنِ يَسارٍ ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ : جاءَتِ امْرَأةٌ مِنْ خَثْعَمَ عامَ حَجَّةِ الوَداعِ ، قالَتْ : يا رَسُولَ اللهِ ، إنَّ فَرِيضَةَ اللهِ أدْرَكَتْ أبي شَيْخًا كَبِيرًا لا يَسْتَطِيعُ أنْ يَسْتَوِيَ عَلى الرَّاحِلَةِ فَهَلْ يَقْضِي عَنْهُ أنْ أحُجَّ عَنْهُ ؟ قالَ : نَعَمْ .

بابُ حَجِّ المَرْأةِ عَنِ الرَّجُلِ .

٧٩ ـ حدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ ، عَنْ مالِكٍ ، عَنِ ابنِ شِهابٍ ، عَنْ سُلَيْمانَ

Prophet ﷺ and a woman from the tribe of Khathʿam came up. Al-Faḍl started looking at her and she looked at him. The Prophet ﷺ turned Al-Faḍl's face to the other side. She said, " My father has come under the obligation of performing Ḥajj but he is a very old man and cannot sit steadily on his Mount. Shall I perform Ḥajj on his behalf ? The Prophet ﷺ replied in the affirmative. That happened during Ḥajjat-ul-wadāʾ of the Prophet ﷺ

ابنِ يَسارٍ ، عَنْ عَبْدِ اللهِ بنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما قالَ : كانَ الفَضْلُ رَدِيفَ النَّبِىِّ صلى اللهُ عليهِ وسلَّمَ فَجاءَتْ امْرَأَةٌ مِنْ خَثْعَمٍ فَجَعَلَ الفَضْلُ يَنْظُرُ إلَيْها و تَنْظُرُ إلَيْهِ ، فَجَعَلَ النَّبِىُّ صلى اللهُ عليهِ وسلَّمَ يَصْرِفُ وجْهَ الفَضْلِ إلى الشِّقِّ الآخَرِ ، فقالَتْ : إنْ فَرِيضَةَ اللهِ أدْرَكَتْ أبى شَيْخًا كَبِيرًا يَثْبُتُ عَلى الرَّاحِلَةِ ، أفَأَحُجُّ عَنْهُ ؟ قالَ : نَعَمْ ، و ذلكَ فى حَجَّةِ الْوَدَاعِ .

CHAPTER. The Ḥajj of boys.

بابُ حَجِّ الصِّبْيانِ .

80. Narrated Ibn ʿAbbās رضي الله عنهما : The Prophet ﷺ sent me (to Minā) with the luggage from Jam (i. e. Al-Muzdalifa) at night.

٨٠ - حدَّثَنا أبُو النُّعْمانِ : حدَّثَنا حَمَّادُ بنُ زَيْدٍ ، عَنْ عُبَيْدِ اللهِ بنِ أبى يَزِيدَ ، قالَ : سَمِعْتُ ابنَ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما يَقُولُ : بَعَثَنِى أوْ قَدَّمَنِى النَّبِىُّ صلى اللهُ عليهِ وسلَّمَ فى الثَّقَلِ مِنْ جَمْعٍ بِلَيْلٍ .

81. Narrated ʿAbdullāh bin ʿAbbās رضي الله عنهما : I came riding on a she-ass and I then was nearing the age of puberty and Allāh's Apostle ﷺ was praying at Minā. I passed in front of a part of the first row and then dismounted from it, and the animal started grazing. I aligned with the people behind Allāh's Apostle ﷺ (The sub-narrator added that that had happened in Minā during the Prophet's Ḥajjat-ul-wadāʾ.)

٨١ - حدَّثَنا إسحاقُ : أخْبَرَنا يَعْقُوبُ ابن إبْرَاهِيمَ : حدَّثَنا ابنُ أخِى ابنِ شِهابٍ ، عَنْ عَمِّهِ : أخْبَرَنى عُبَيْدُ اللهِ ابنُ عَبْدِ اللهِ بنِ عُتْبَةَ بنِ مَسْعُودٍ : أنَّ عَبْدَ اللهِ بنَ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما قالَ : أقْبَلْتُ و قَدْ ناهَزْتُ الحلُمَ أسِيرُ عَلى أتانٍ لى و رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ قائمٌ يُصَلِّى بِمِنًى حتَّى سِرْتُ بَيْنَ يَدَىْ بَعْضِ الصفِّ الأوَّلِ ، ثمَّ نَزَلْتُ

عنها فرتعت، فصففت مع الناس وراء رسول الله صلى الله عليه وسلم.
وقال يونس، عن ابن شهاب: بمنى فى حجة الوداع.

82. Narrated As-Sāʿib bin Yazīd رضي الله عنه: I was made to perform the Ḥajj with Allāh's Apostle ﷺ and I was a seven-year-old boy then.

٨٢ - حدثنا عبد الرحمن بن يونس: حدثنا حاتم بن إسماعيل، عن محمد بن يوسف، عن السائب بن يزيد قال: حج أبى مع رسول الله صلى الله عليه وسلم وانا ابن سبع سنين.

83. Narrated Al-Juʿaid bin ʿAbdur-Raḥmān: I heard ʿUmar bin ʿAbdul Azīz telling about As-Sāʿib bin Yazīd that he had performed the Ḥajj (while carried) with the belongings of the Prophet ﷺ

٨٣ - حدثنا عمرو بن زرارة: أخبرنا القاسم بن مالك، عن الجعيد ابن عبد الرحمن قال: سمعت عمر ابن عبد العزيز يقول للسائب بن يزيد، وكان قد حج به فى ثقل النبى صلى الله عليه وسلم.

CHAPTER. The Ḥajj of women. Narrated Ibrāhīm from his father from his grand-father that ʿUmar رضي الله عنه in his last Ḥajj allowed the wives of the Prophet ﷺ to perform Ḥajj and he sent with them ʿUthmān bin ʿAffān and ʿAbdur-Raḥmān bin ʿAuf as escorts.

باب حج النساء. وقال لى أحمد ابن محمد: حدثنا إبراهيم، عن أبيه، عن جده: أذن عمر رضى الله عنه لأزواج النبى صلى الله عليه وسلم فى آخر حجة حجها فبعث معهن عثمان ابن عفان وعبد الرحمن.

84. Narrated ʿAisha رضي الله عنها (The mother of the faithful believers): I said, "O Allāh's Apostle! Shouldn't we participate in Holy battles and Jihād along with you?" He replied, "The best and the most

٨٤ - حدثنا مسدد: حدثنا عبد الواحد: حدثنا حبيب بن أبى عمرة قال: حدثتنا عائشة بنت طلحة، عن عائشة أم المؤمنين رضى الله عنها،

superior Jihād (for women) is Ḥajj which is accepted by Allāh." ʿĀisha added: Ever since I heard that from Allāh's Apostle ﷺ I have determined not to miss Ḥajj.

قَالَتْ: قُلْتُ يَا رَسُولَ اللهِ، أَلا نَغْزُوا و نجاهِدُ مَعَكُمْ؟ فَقَالَ: لَكِنَّ أَحْسَنَ الجِهادِ و أَجمَلَه الحَجُّ، حَجٌّ مَبْرورٌ. فَقَالَتْ عائِشَةَ: فَلا أَدع الحَجَّ بَعْدَ إِذْ سَمِعْتُ هذَا مِنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم.

85. Narrated Ibn ʿAbbās ؓ: The Prophet ﷺ said, "A woman should not travel except with a Dhū-Maḥram (a man with whom that woman cannot marry at all according to the Islamic Jurisprudence), and no man may visit her except in the presence of a Dhū-Maḥram." A man got up and said, "O Allāh's Apostle! I intend to go to such and such an army and my wife wants to perform Ḥajj." The Prophet ﷺ said (to him), "Go along with her (to Ḥajj)."

٨٥ ـ حدَّثَنا أَبُو النُّعْمانِ: حدَّثنا حَمَّادُ بنُ زَيْدٍ، عَنْ عَمْرٍو، عَنْ أَبي مَعْبَدٍ مَوْلى ابنِ عَبَّاسٍ، عَنِ ابنِ عَبَّاس رَضِيَ اللهُ عَنْهُما، قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: لا تُسافِرِ المَرْأَة إِلاَّ مَعَ ذِي مَحْرَمٍ، ولا يَدْخُل عَلَيْها رَجُلٌ إِلاَّ وَمَعَهَا مَحْرَمٌ، فَقالَ رَجُلٌ: يا رَسُولَ اللهِ، إِنِّى أُرِيد أَنْ أَخْرجَ فى جَيْشِ كَذَا و كَذَا وامْرَأَتى تُرِيد الحَجَّ، فَقالَ: اخْرجْ مَعَها.

86. Narrated Ibn ʿAbbās ؓ: When the Prophet ﷺ returned after performing his Ḥajj, he asked Um Sinān Al-Anṣāri, "What did forbid you to perform the Ḥajj?" She replied, "Father of so-and-so (i. e. her husband) had two camels and he performed Ḥajj on one of them, and the second is used for the irrigation of our land." The Prophet ﷺ said (to her), "Perform ʿUmra in the month of Ramaḍān, (as it) is equivalent to Ḥajj or Ḥajj with me.

٨٦ ـ حدَّثَنا عَبْدَانُ: أَخْبَرَنا يَزِيدُ ابنُ زُرَيْعٍ: حدَّثَنا حَبِيبٌ المُعَلِّمُ، عَنْ عَطاء، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: لمَّا رَجَعَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم مِنْ حَجَّتِهِ قالَ لأُمِّ سِنان الأَنْصارِيَّةِ: ما مَنَعَكِ مِنَ الحَجِّ؟ قالَتْ: أَبو فُلان، تَعْنِي زَوْجَها، كانَ لَهُ ناضِحانِ حَجَّ عَلى أَحَدِهمَا، والآخَر يَسْقى أَرْضًا لَنا، قالَ: فإِنَّ عمْرَةً فى رَمَضَانَ تَقْضِي حَجَّةً أَوْ حَجَّةً مَعِيَ، رَوَاهُ

ابنُ جُرَيْجٍ، عَنْ عَطاءٍ: سَمِعْتُ ابنَ عَبَّاسٍ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم. و قالَ عُبَيْدُ اللهِ، عَنْ عَبْدِ الكَرِيمِ، عَنْ عَطاءٍ، عَنْ جابِرٍ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم.

87. Narrated Qazaʿa, the slave of Ziyād: Abu Saʿīd who participated in twelve Ghazawāt with the Prophet ﷺ said, "I heard four things from Allāh's Apostle ﷺ (or I narrate them from the Prophet ﷺ) which won my admiration and appreciation. They are:

1. "No lady should travel without her husband or without a Dhū-Maḥram for a two-days' journey.
2. Not to fast on two days: The first days of ʿĪd-al-Fiṭr, and ʿĪd-al-Aḍḥa.
3. No prayer is to be offered after two prayers: the ʿAṣr prayer till the sun has set, and after the morning prayer till the sun has risen.
4. To travel for visiting only three mosques: Masjid-al-Harām (in Mecca), my Mosque (in Medīna), and Masjid-al-Aqṣā (in Jerusalem)."

٨٧ - حدَّثَنا سُلَيْمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ عَبْدِ الملكِ بنِ عُمَيْرٍ، عَنْ قَزَعَةَ مَوْلَى زِيادٍ قالَ: سَمِعْتُ أبا سَعِيدٍ و قَدْ غَزا مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم ثِنْتَي عَشْرَةَ غَزْوَةً، قالَ: أرْبَعٌ سَمِعْتُهُنَّ مِنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، أوْ قالَ: يُحَدِّثُهُنَّ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم، فأعْجَبْنَنِي وآنَقْنَنِي: أنْ لا تُسافِرَ امْرَأةٌ مَسِيرَةَ يَوْمَيْنِ لَيْسَ مَعَها زَوْجُها أوْ ذُو مَحْرَمٍ. ولا صَوْمَ يَوْمَيْنِ: الفِطْرِ والأضْحَى. ولا صَلاةَ بَعْدَ صَلاتَيْنِ، بَعْدَ العَصْرِ حَتَّى تَغْرُبَ الشَّمْسُ، و بَعْدَ الصُّبْحِ حَتَّى تَطْلُعَ الشَّمْسُ، ولا تُشَدُّ الرِّحالُ إلاَّ إلى ثَلاثَةِ مَساجِدَ: مَسْجِدِ الحَرامِ، و مَسْجِدِي، و مَسْجِدِ الأقْصَى.

CHAPTER. Whoever vowed to go on foot to the Kaʿba.

بابُ مَنْ نَذَرَ المَشْيَ إلى الكَعْبَةِ.

88. Narrated Anas (رضي الله عنه) : The Prophet ﷺ saw an old man walking, supported by his two sons, and asked about him. The people informed him that he had vowed to go on foot (to the Kaʿba). He said, "Allāh is not in need of this old man's torturing himself," and ordered him to ride.

٨٨ - حَدَّثَنَا ابْنُ سَلاَمٍ : أَخْبَرَنَا الْفَزَارِيُّ ، عَنْ حُمَيْدٍ الطَّوِيلِ قَالَ : حَدَّثَنِي ثَابِتٌ ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ : أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم رَأَى شَيْخاً يُهادَى بَيْنَ ابْنَيْهِ ، قَالَ : مَا بَالُ هذَا ؟ قَالُوا : نَذَرَ أَنْ يَمْشِيَ ، قَالَ : إِنَّ اللهَ عَنْ تَعْذِيبِ هذَا نَفْسَهُ لَغَنِيٌّ ، أَمَرَهُ أَنْ يَرْكَبَ .

89. Narrated ʿUqba bin ʿĀmir : My sister vowed to go on foot to the Kaʿba, and she asked me to take the verdict of the Prophet ﷺ about it. So, I did and the Prophet ﷺ said, " She should walk and also ride."

٨٩ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى : أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ أَنَّ ابْنَ جُرَيْجٍ أَخْبَرَهُمْ قَالَ : أَخْبَرَنِي سَعِيدُ بْنُ أَبِي أَيُّوبَ : أَنَّ يَزِيدَ بْنَ أَبِي حَبِيبٍ أَخْبَرَهُ : أَنَّ أَبَا الْخَيْرِ حَدَّثَهُ عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ : نَذَرَتْ أُخْتِي أَنْ تَمْشِيَ إِلَى بَيْتِ اللهِ وَ أَمَرَتْنِي أَنْ أَسْتَفْتِيَ لَهَا النَّبِيَّ صلى اللهُ عليهِ وسلَّم فَاسْتَفْتَيْتُهُ فَقَالَ عَلَيْهِ السَّلاَمُ : لِتَمْشِ وَلْتَرْكَبْ ، قَالَ : وَ كَانَ أَبُو الْخَيْرِ لاَ يُفَارِقُ عُقْبَةَ

90. Narrated Abū-l-Khair from ʿUqba as above.

٩٠ - حَدَّثَنَا أَبُو عَاصِمٍ ، عَنِ ابْنِ جُرَيْجٍ ، عَنْ يَحْيَى بْنِ أَيُّوبَ ، عَنْ يَزِيدَ ، عَنْ أَبِي الْخَيْرِ ، عَنْ عُقْبَةَ ، فَذَكَرَ الْحَدِيثَ .

In the name of Allāh,
the most Beneficent, the most Merciful

THE VIRTUES OF MEDĪNA

CHAPTER. Ḥaram (Sanctuary) of Medīna.

91. Narrated Anas ؓ: The Prophet ﷺ said, "Medīna is a sanctuary from that place to that. Its trees should not be cut and no bad deeds(1) should be practised in it, and whoever committed bad deeds in it, the curse of Allāh and the angels and all people will be on him."

92. Narrated Anas ؓ: The Prophet ﷺ came to Medīna and ordered a mosque to be built and said, "O Bani-Najjār! Let us agree as to the price." They said, "We do not want the price except from Allāh" (i. e. they wished for a reward from Allāh for giving up their land freely). So, the Prophet ﷺ

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

فضائل المدينة

بَابُ حَرَمِ الْمَدِينَةِ .

٩١ ـ حدَّثَنا أبُو النُّعْمانِ : حدثَنا ثابِتُ بنُ يَزِيدَ : حدَّثَنا عاصِمٌ أبُوعَبْدِ الرَّحْمَنِ الأحْوَلُ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: المَدِينَةُ حَرَمٌ مِنْ كَذَا إلى كَذَا . لا يُقْطَعُ شَجَرُها، ولا يُحْدَثُ فِيها حَدَثٌ. مَنْ أحْدَثَ حَدَثًا فَعَلَيْهِ لَعْنَةُ اللهِ والمَلائِكَةِ والنَّاسِ أجْمَعِينَ .

٩٢ ـ حدَّثَنا أبُو مَعْمَرٍ : حدَّثَنا عَبْدُ الوَارِثِ ، عَنْ أبي التَّيَّاحِ ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ : قَدِمَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم المَدِينَةَ وأمَرَ بِبِناءِ المَسْجِدِ فَقالَ: يا بَنِي النَّجَّارِ ثامِنُونِي، فَقالُوا: لا نَطْلُبُ ثَمَنَهُ إلاَّ إلى اللهِ ،

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(1) Bad-deed; here means sin and heresy (بِدعة)

ordered the graves of the non-believers to be dug out and the land to be levelled, and the date-palm trees to be cut down. The cut date-palms were fixed in the direction of the Qibla of the mosque.

فَأَمَرَ بِقُبُورِ الْمُشْرِكِينَ فَنُبِشَتْ ثُمَّ بِالْخَرِبِ فَسُوِّيَتْ، و بِالنَّخْلِ فَقُطِعَ فَصَفُّوا النَّخْلَ قِبْلَةَ الْمَسْجِدِ.

93. Narrated Abū Huraira ؓ: The Prophet ﷺ said, "I have made Medina a sanctuary between its two (Ḥarrāt) mountains." The Prophet ﷺ went to the tribe of Bani Ḥāritha and said (to them), "I see that you have gone out of the sanctuary," but looking around, he added, "No, you are inside the sanctuary."

٩٣ - حَدَّثَنَا إِسماعِيلُ بنُ عَبْدِ اللهِ قالَ: حَدَّثَنِى أَخِى، عَنْ سُلَيْمان، عَنْ عُبَيْدِ اللهِ، عَنْ سَعِيدٍ المَقْبُرِىِّ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ أَنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم قالَ: حُرِّمَ ما بَيْنَ لابَتَىِ المَدِينَةِ عَلَى لِسانِى، قالَ: و أَتَى النَّبِىُّ صلى اللهُ عليهِ وسلَّم بَنِى حارِثَةَ فَقالَ: أَرَاكُمْ يا بَنِى حارِثَةَ قَدْ خَرَجْتُمْ مِنَ الحَرَمِ، ثُمَّ التَفَتَ فَقالَ: بَلْ أَنْتُمْ فِيهِ.

94. Narrated ʿAlī ؓ: We have nothing except the Holy Book and this written paper from the Prophet ﷺ (where-in is written:) Medīna is a sanctuary from the ʿAir Mountain to such and such a place, and whoever practised bad deeds in it, or sheltered a person, who commits bad deeds then the curse of Allāh, the angels, and all the people will be on him, and all his good deeds (compulsory and Nawāfil) will not be accepted. A covenant of protection made by any Muslim with a non-Muslim should be respected by all Muslims; and whoever betrays or disregards the covenant of any Muslim incurs the curse of Allāh, the angels, and

٩٤ - حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حَدَّثَنا عَبْدُ الرَّحْمَنِ: حَدَّثَنا سُفْيانُ، عَنِ الأَعْمَشِ، عَنْ إِبْرَاهِيمَ التَّيْمِىِّ، عَنْ أَبِيهِ، عَنْ عَلِىٍّ رَضِىَ اللهُ عَنْهُ قالَ: ما عِنْدَنا شَىْءٌ إِلاَّ كِتابُ اللهِ و هذِهِ الصَّحِيفَةُ عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم: المَدِينَةُ حَرَمٌ ما بَيْنَ عائِرٍ إِلَى كَذَا، مَنْ أَحْدَثَ فِيها حَدَثًا أَوْ آوَى مُحْدِثًا فَعَلَيْهِ لَعْنَةُ اللهِ والمَلائِكَةِ والنَّاسِ أَجْمَعِينَ، لا يُقْبَلُ مِنْهُ صَرْفٌ ولا عَدْلٌ، و قالَ: ذِمَّةُ المُسْلِمِينَ واحِدَةٌ، فَمَنْ أَخْفَرَ مُسْلِمًا فَعَلَيْهِ لَعْنَةُ اللهِ

all the people, and none of his good deeds (compulsory and Nawāfil) will be accepted, and whoever (freed slave) befriends (take as masters) other than his manumitters without their permission incurs the curse of Allāh, the angels, and all the people, and none of his good deeds (compulsory and Nawāfil) will be accepted.

CHAPTER. Superiority of Medina. And that it expells (vicious) persons.

95. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "I was ordered to migrate to a town which will swallow (conquer) other towns and is called Yathrib and that is Medina, and it turns out (bad) persons as a furnace removes the impurities of iron.

CHAPTER. Medina is also called Ṭabātun.

96. Narrated Abū Ḥumaid رضي الله عنه : We came with the Prophet ﷺ from Tabūk, and when we reached near Medina, the Prophet ﷺ said, "This is Ṭābatun."

والمَلائِكَةِ والنَّاسِ أجمَعِينَ، لا يُقْبَلُ مِنْهُ صَرْفٌ ولا عَدْلٌ. و مَنْ تَوَلَّى قَوْماً بِغَيْرِ إذْنِ مَوَالِيهِ، فَعَلَيْهِ لَعْنَةُ اللهِ والمَلائِكَةِ والنَّاسِ أجمَعِينَ، لا يُقْبَلُ مِنْهُ صَرْفٌ ولا عَدْلٌ. قالَ أبُو عَبْدِ اللهِ: عَدْلٌ: فِداءٌ.

بابُ فَضْلِ المَدِينَةِ و أنَّها تَنْفِي النَّاسَ.

٩٥ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخبرَنا مالكٌ، عَنْ يَحْيَى بنِ سَعِيدٍ قالَ: سَمِعْتُ أبا الحُبابِ سَعِيدَ بنَ يَسارٍ يَقُولُ: سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: أُمِرْتُ بِقَرْيَةٍ تأكُلُ القُرَى، يَقُولُونَ يَثْرِبُ و هِيَ المَدِينَةُ تَنْفِي النَّاسَ كما يَنْفِي الكِيرُ خَبَثَ الحَدِيد

بابُ المَدِينَةُ طابَةٌ.

٩٦ - حدَّثَنا خالِدُ بنُ مَخْلَدٍ: حدَّثَنا سُلَيْمانُ قالَ: حدَّثَنِي عَمْرُو بنُ يَحْيَى، عَنْ عَبَّاسِ بنِ سَهْلِ بنِ سَعْدٍ، عَنْ أبي حُمَيْدٍ رَضِيَ اللهُ عَنْهُ قالَ: أقبَلْنا مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم مِنْ تَبُوكَ حتَّى أشرَفْنا عَلَى المَدِينَةِ فقالَ: هذِهِ طابَةٌ.

CHAPTER. The two mountains of Medīna.

بابُ لابَتَيِ المَدِينَةِ .

97. Narrated Abū Huraira رضي الله عنه : If I saw deers grazing in Medīna, I would not chase them, for Allāh's Apostle ﷺ said, "(Medīna) is a sanctuary between its two mountains."

٩٧ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبرَنا مالكٌ ، عَنِ ابنِ شِهابٍ ، عَنْ سَعِيدِ بن المُسَيَّبِ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أنَّهُ كانَ يَقُولُ : لَوْ رَأيْتُ الظِّباءَ بالمَدِينَةِ تَرْتَعُ ما ذَعَرْتُها . قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : ما بَيْنَ لابَتَيْها حَرَامٌ .

CHAPTER. What about one who refrains from living in Medīna?

بابُ مَنْ رَغِبَ عَنِ المَدِينَةِ .

98. Narrated Abū Huraira رضي الله عنه : I heard Allāh's Apostle ﷺ saying, "The people will leave Medīna in spite of the best state it will have, and none except the wild birds and the beasts of prey will live in it, and the last persons who will die will be two shepherds from the tribe of Muzaina, who will be driving their sheep towards Medīna, but will find nobody in it, and when they reach the valley of Thaniyat-al-Wadā', they will fall down on their faces dead."

٩٨ ـ حدَّثَنا أبُو اليَمانِ : أخْبرَنا شُعَيْبٌ ، عَنِ الزُّهْرِيِّ قال : أخْبرَنِي سَعِيدُ ابنُ المُسَيَّبِ أنَّ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ : سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ : تَتْرُكُونَ المَدِينَةَ عَلَى خَيْرِ ما كانَتْ ، لا يَغْشاها إلاَّ العَوَافِ ، يُرِيدُ عَوَافِيَ السِّباعِ والطَّيْرِ ، وآخِرُ مَنْ يُحْشَرُ رَاعِيانِ مِنْ مُزَيْنَةَ يُرِيدَانِ المَدِينَةَ ، يَنْعِقانِ بِغَنَمِهِما فَيَجِدَانِها وحْشًا حتَّى إذَا بَلَغا ثَنِيَّةَ الوَدَاعِ خَرَّا عَلَى وجُوهِهِما .

99. Narrated Abū Zuhair رضي الله عنه : I heard Allāh's Apostle ﷺ saying, "Yemen will be conquered and some people will migrate (from Medīna) and will urge their families, and those who will

٩٩ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبرَنا مالكٌ ، عَنْ هِشامِ بنِ عُرْوَةَ عَنْ أبِيهِ ، عَنْ عَبْدِ اللهِ بنِ الزُّبَيْرِ ، عَنْ سُفْيانَ بنِ أبي زُهَيْرٍ رَضِيَ اللهُ عَنْهُ

obey them to migrate (to Yemen) although Medīna will be better for them; if they but knew. Sha᾿m will also be conquered and some people will migrate (from Medīna) and will urge their families and those who will obey them, to migrate (to Sha᾿m) although Medīna will be better for them; if they but knew. ʿIrāq will be conquered and some people will migrate (from Medīna) and will urge their families and those who will obey them to migrate (to ʿIrāq) although Medīna will be better for them; if they but knew."

CHAPTER. Imān (Belief) yearns and goes back to Medīna.

100. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "Verily, Belief yearns and goes back to Medīna as a snake goes back to its hole (when in danger)."

CHAPTER. Sin of him who betrays and harms the people of Medīna.

101. Narrated Saʿd ؓ : I heard the Prophet ﷺ saying, "He who betrays or harms the people of Medīna will be dissolved (destroyed) like the salt is dissolved in water."

أَنَّهُ قَالَ: سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم يَقُولُ. تُفْتَحُ اليَمَنُ فَيَأْتِي قَوْمٌ يُبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ وَمَنْ أَطَاعَهُمْ، والمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ. وَتُفْتَحُ الشَّأْمُ فَيَأْتِي قَوْمٌ يُبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ وَمَنْ أَطَاعَهُمْ، والمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ. وَتُفْتَحُ العِرَاقُ فَيَأْتِي قَوْمٌ يُبِسُّونَ فَيَتَحَمَّلُونَ بِأَهْلِيهِمْ وَمَنْ أَطَاعَهُمْ، والمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ.

بابٌ الإِيمانُ يأرِزُ إلى المَدِينَةِ.

١٠٠ ـ حدَّثَنا إِبْرَاهِيمُ بنُ المُنْذِرِ: حدَّثَنا أَنَسُ بنُ عِيَاضٍ قالَ: حدَّثَنِي عُبَيْدُ اللهِ، عَنْ خُبَيْبِ بنِ عَبْدِ الرَّحْمَنِ، عَنْ حَفْصِ بنِ عاصِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ: إِنَّ الإِيمانَ لَيَأْرِزُ إلى المَدِينَةِ، كما تَأْرِزُ الحَيَّةُ إلى جُحْرِها.

بابُ إِثمِ مَنْ كادَ أَهْلَ المَدِينَةِ.

١٠١ ـ حدَّثَنِي حُسَيْنُ بنُ حُرَيْثٍ: أَخْبَرَنا الفَضْلُ، عَنْ جُعَيْدٍ، عَنْ عائِشَةَ قالَتْ: سَمِعْتُ سَعْدًا رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ النَّبِيَّ صلى اللهُ عليه وسلَّم يَقُولُ: لا يَكِيدُ أَهْلَ المَدِينَةِ أَحَدٌ

إلاَّ انْماعَ، كما يَنماعُ، المِلْحُ فى الماءِ.

CHAPTER. The high buildings of Medīna.

باب آطامِ المَدِينَةِ.

102. Narrated Usāma رضي الله عنه : The Prophet ﷺ looked out from upon one of the high buildings of Medīna and said, "Do you see what I see? (No doubt) I see the spots where afflictions will take place among your houses (and these afflictions will be) as numerous as the spots where rain falls."

١٠٢ - حدَّثَنا عَلِىُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ: حدَّثَنا ابنُ شِهابٍ قالَ: أخْبَرَنى عُرْوَةُ قالَ: سَمِعْتُ أُسامَةَ رَضِىَ اللهُ عَنْهُ قالَ: أشْرَفَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم عَلى أُطُمٍ مِنْ آطامِ المَدِينَةِ فقَالَ: هَلْ تَرَوْنَ ما أرَى؟ إنِّى لأرَى مَوَاقِعَ الفِتَنِ خِلالَ بُيُوتِكُمْ كمَوَاقِعِ القَطْرِ. تابَعَهُ مَعْمَرٌ وسُلَيْمانُ ابنُ كَثِيرٍ، عَنِ الزُّهْرِىِّ.

CHAPTER. Ad-Dajjāl (Pseudo-Christ) will not be able to enter Medīna.

باب لا يَدْخُلُ الدَّجَّالُ المَدِينَةَ.

103. Narrated Abū Bakra رضي الله عنه : The Prophet ﷺ said, "The fright of Pseudo-Christ Ad-Dajjāl will not enter Medīna and on that day Medīna will have seven gates and each gate will be gaurded by two angels."

١٠٣ - حدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ قالَ: حدَّثَنِى إبْرَاهِيمُ بنُ سَعْدٍ، عَنْ أبِيهِ، عَنْ جَدِّهِ، عَنْ أبى بَكْرَةَ رَضِىَ اللهُ عَنْهُ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَ: لا يَدْخُلُ المَدِينَةَ رُعْبُ المَسِيحِ الدَّجَّالِ. لَهَا يَوْمَئِذٍ سَبْعَةُ أبْوَابٍ، عَلى كُلِّ بابٍ مَلَكانِ.

104. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "There are angels guarding on the entrances (or roads) of Medīna, and neither plague nor Ad-Dajjāl will be able to enter it."

١٠٤ - حدَّثَنا إسمَاعِيلُ قالَ: حدَّثَنِى مالِكٌ، عَنْ نُعَيمِ بنِ عَبْدِ اللهِ المجمِرِ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: عَلى أنْقابِ المَدِينَةِ مَلائِكَةٌ لا يَدْخُلُها الطَّاعُونُ ولا الدَّجَّالُ.

105. Narrated Anas bin Mālik ؓ : The Prophet ﷺ said, "There will be no town which Ad-Dajjāl will not enter except Mecca and Medīna, and there will be no entrance (road) (of both Mecca and Medīna) but the angels will be standing in rows guarding it against him, and then Medīna will shake with its inhabitants thrice (i. e. three earth-quakes will take place) and Allāh will expel all the non-believers and the hypocrites from it.

١٠٥ ـ حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا الوَلِيدُ: حَدَّثَنَا أَبُو عَمْرٍ: حَدَّثَنَا إِسحَاقُ: حَدَّثَنِي أَنَسُ بْنُ مَالِكٍ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: لَيْسَ مِنْ بَلَدٍ إِلاَّ سَيَطَؤُهُ الدَّجَّالُ إِلاَّ مَكَّةَ وَالمَدِينَةَ، لَيْسَ لَهُ مِنْ نِقَابِهَا نَقْبٌ إِلاَّ عَلَيْهِ المَلائِكَةُ صَافِّينَ يَحْرُسُونَهَا، ثُمَّ تَرْجُفُ المَدِينَةُ بِأَهْلِهَا ثَلاثَ رَجَفَاتٍ فَيُخْرِجُ اللهُ كُلَّ كَافِرٍ و مُنَافِقٍ.

106. Narrated Abū Sa'īd Al-Khudrī ؓ : Allāh's Apostle ﷺ told us a long narrative about Ad-Dajjāl, and among the many things he mentioned, was his saying, "Ad-Dajjāl will come and will be forbidden to pass through the entrances of Medīna. He will land in some of the salty barren areas (outside) Medīna; on that day the best man or one of the best men will come up to him and say, 'I certify that you are the same Dajjāl whose description was given to us by Allāh's Apostle ﷺ .' Ad-Dajjāl will say to the people, 'If I kill this man and bring him back to life again, will you doubt my claim?' They will say, 'No.' Then Ad-Dajjāl will kill that man and bring him back to life. That man will say, 'Now I know your reality better than before.' Ad-Dajjāl will say, 'I want to kill him but I cannot.'"

١٠٦ ـ حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ قالَ: أَخْبَرَنِي عُبَيْدُ اللهِ بْنُ عَبْدِ اللهِ بْنِ عُتْبَةَ، أَنَّ أَبَا سَعِيدٍ الخُدْرِيَّ رَضِيَ اللهُ عَنْهُ قالَ: حَدَّثَنَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم حَدِيثًا طَوِيلاً عَنِ الدَّجَّالِ فَكَانَ فِيمَا حَدَّثَنَا بِهِ أَنْ قالَ: يأتِي الدَّجَّالُ و هُوَ مُحَرَّمٌ عَلَيْهِ أَنْ يَدْخُلَ نِقَابَ المَدِينَةِ، يَنْزِلُ بَعْضَ السِّبَاخِ الَّتِي بِالمَدِينَةِ، فَيَخْرُجُ إِلَيْهِ يَوْمَئِذٍ رَجُلٌ هُوَ خَيْرُ النَّاسِ أَوْ مِنْ خَيْرِ النَّاسِ، فَيَقُولُ: أَشْهَدُ أَنَّكَ الدَّجَّالُ الَّذِي حَدَّثَنَا عَنْكَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم حَدِيثَهُ، فَيَقُولُ الدَّجَّالُ: أَرَأَيْتَ إِنْ قَتَلْتُ هٰذَا ثُمَّ أَحْيَيْتُهُ، هَلْ تَشُكُّونَ فِي الأَمْرِ؟ فَيَقُولُونَ: لا، فَيَقْتُلُهُ ثُمَّ يُحْيِيهِ

CHAPTER. Medina expels all bad persons.

107. Narrated Jābir ﵁ : A bedouin came to the Prophet ﷺ and gave a solemn pledge for embracing Islām. The next day he came with fever and said (to the Prophet ﷺ), "Please accept my taking back my pledge (of embracing Islām and of emigrating to Medina)." The Prophet ﷺ refused (that request) three times and said, "Medina is like a furnace, it expels out the bad persons and selects the good ones and makes them perfect."

108. Narrated Zaid bin Thābit ﵁ : When the Prophet ﷺ went out for (the battle of) Uḥud, some of his companions returned (home). A batch of people remarked that they would kill those who returned, but another batch said that they would not kill them. So, this Divine Inspiration was revealed :—

> 'What about you that you are divided into two groups concerning the case of the Hypocrites.' (4 : 88)

The Prophet ﷺ said, "Medina expels the bad persons from it, as fire expels the impurities of iron."

CHAPTER :—

109. Narrated Anas ﵁ : The

فَيَقُولُ حِينَ يُحْيِيهِ : وَاللهِ مَا كُنْتُ قَطُّ أَشَدَّ بَصِيرَةً مِنِّي الْيَوْمَ . فَيَقُولُ الدَّجَّالُ : أَقْتُلُهُ فَلَا أُسَلَّطُ عَلَيْهِ .

بابٌ الْمَدِينَةُ تَنْفِي الْخَبَثَ .

١٠٧ ـ حَدَّثَنَا عَمْرُو بْنُ عَبَّاسٍ : حَدَّثَنَا عَبْدُ الرَّحْمَنِ : حَدَّثَنَا سُفْيَانُ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ ، عَنْ جَابِرٍ رَضِيَ اللهُ عَنْهُ قَالَ : جَاءَ أَعْرَابِيٌّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم فَبَايَعَهُ عَلَى الْإِسْلَامِ . فَجَاءَ مِنَ الْغَدِ مَحْمُومًا فَقَالَ : أَقِلْنِي ، فَأَبَى ثَلَاثَ مِرَارٍ ، فَقَالَ : الْمَدِينَةُ كَالْكِيرِ تَنْفِي خَبَثَهَا ، وَتَنْصَعُ طَيِّبُهَا .

١٠٨ ـ حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ : حَدَّثَنَا شُعْبَةُ ، عَنْ عَدِيِّ بْنِ ثَابِتٍ ، عَنْ عَبْدِ اللهِ بْنِ يَزِيدَ قَالَ : سَمِعْتُ زَيْدَ بْنَ ثَابِتٍ رَضِيَ اللهُ عَنْهُ يَقُولُ : لَمَّا خَرَجَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم إلى أُحُدٍ رَجَعَ نَاسٌ مِنْ أَصْحَابِهِ فَقَالَتْ فِرْقَةٌ : نَقْتُلُهُمْ ، وَقَالَتْ فِرْقَةٌ : لَا نَقْتُلُهُمْ . فَنَزَلَتْ ـ فَمَا لَكُمْ فِي الْمُنَافِقِينَ فِئَتَيْنِ ـ وَقَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : إِنَّهَا تَنْفِي الرِّجَالَ كَمَا تَنْفِي النَّارُ خَبَثَ الْحَدِيدِ .

بابٌ

١٠٩ ـ حَدَّثَنِي عَبْدُ اللهِ بْنُ مُحَمَّدٍ :

Prophet ﷺ said, "O Allāh! Bestow on Medīna twice the blessings You bestowed on Mecca."

حدَّثنا وَهْبُ بن جَرِيرٍ: حدَّثنا أبي: سَمِعْتُ يُونُسَ، عَنِ ابنِ شِهابٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى الله عليه وسلَّم قالَ: اللَّهُمَّ اجْعَلْ بالمَدِينَةِ ضِعْفَيْ ما جَعَلْتَ بِمَكَّةَ مِنَ البَرَكَةِ، تابَعَهُ عُثمان بنُ عُمَرَ، عَنْ يُونُسَ.

110. Narrated Anas رضي الله عنه : When the Prophet ﷺ came back from a journey and observed the walls of Medīna, he would make his Mount go fast, and if he was on an animal (i. e. a horse), he would make it gallop for his love for Medīna.

١١٠ - حدَّثنا قُتَيْبَةُ: حدَّثنا إسماعِيلُ ابنُ جَعْفَرٍ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ صلى الله عليه وسلَّم كانَ إذا قَدِمَ مِنْ سَفَرٍ فَنَظَرَ إلى جُدُرَاتِ المَدِينَةِ أَوْضَعَ رَاحِلَتَهُ، وَإِنْ كانَ عَلَى دَابَّةٍ حَرَّكَها مِنْ حُبِّها.

CHAPTER. The dislike of the Prophet ﷺ that Medīna should be vacated.

بابُ كَرَاهِيَةِ النَّبِيِّ صلى الله عليه وسلَّم أنْ تُعْرَى المَدِينَةُ.

111. Narrated Anas رضي الله عنه : (The people of) Banī Salama intended to shift near the mosque (of the Prophet ﷺ) but Allāh's Apostle ﷺ disliked to see Medīna vacated and said, "O the people of Banī Salama! Don't you think that you will be rewarded for your footsteps which you take towards the mosque?" So, they stayed at their old places.

١١١ - حدَّثنا ابنُ سَلامٍ، أخبرَنا الفَزَارِيُّ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: أَرادَ بَنُو سَلِمَةَ أَنْ يَتَحَوَّلُوا إلى قُرْبِ المَسْجِدِ، فَكَرِهَ رَسُولُ اللهِ صلى الله عليه وسلَّم أَنْ تُعْرَى المَدِينَةُ، وقالَ: يا بَنِي سَلِمَةَ، ألا تَحْتَسِبُونَ آثارَكُمْ، فأقامُوا.

CHAPTER.

بابٌ.

112. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "There is a garden from the gardens of Paradise between my house and my pulpit, and my pulpit is on

١١٢ - حدَّثنا مُسَدَّدٌ، عَنْ يَحْيَى، عَنْ عُبَيْدِ اللهِ بنِ عُمَرَ، قالَ: حدَّثني خُبَيْبُ بنُ عَبْدِ الرَّحْمٰنِ، عَنْ حَفْصِ بنِ

my Lake Fount (Al-Kauthar)."

عاصِمٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: ما بَيْنَ بَيْتِي و مِنْبَرِي رَوْضَةٌ مِنْ رِياضِ الجَنَّةِ، و مِنْبَرِي عَلَى حَوْضِي.

113. Narrated ʿAisha رضي الله عنها: When Allāh's Appostle ﷺ reached Medīna, Abū Bakr and Bilāl became ill. When Abū Bakr's fever got worse, he would recite (this poetic verse):—

'Everybody must receive destruction once
In the morning
But does not know that
Death is nearer to him
Than the Shirak (piece of leather) of his shoes."

And Bilal, when his fever deserted him, would recite:—

'Would that I know
That I shall spend
A night in such a valley
That around me will be
Idhkhīr and Jalīl (kinds of bushes).
Will I ever go to
The spring of the Majanna?
Will I ever be able to see
The two moutains Shāma and Ṭafīl?"

The Prophet ﷺ said, "O Allāh! Curse Shaiba bin Rabiʿa and ʿUtba bin Rabiʿa and Umaiya bin Khalaf as they turned us out of our land to the land of epidemics." Allāh's Apostle ﷺ then said, "O Allāh! Make us love Medīna as we love Mecca or even more than that. O Allāh!

١١٣ ـ حدَّثنا عُبَيْدُ بنُ إسماعِيلَ: حدَّثنا أبُو أُسامَةَ، عَنْ هِشامٍ، عَنْ أبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْهُا قالَتْ: لمَّا قَدِمَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم المَدِينَةَ وُعِكَ أبُو بَكْرٍ و بِلالٌ فَكانَ أبُو بَكْرٍ إذَا أخَذَتْهُ الحمَّى يَقُولُ:

كُلُّ امْرِىءٍ مُصَبَّحٌ فى أهْلِهِ
والمَوْتُ أدْنى مِنْ شِرَاكِ نَعْلِهِ

و كانَ بِلالٌ إذَا أقْلَعَ عَنْهُ الحُمَّى يَرْفَعُ عَقِيرَتُهُ يَقُولُ:

ألا لَيْتَ شِعْرِى هَلْ أبِيتَنَّ لَيْلَةً
بِوَادٍ و حَوْلى إذْخِرٌ و جَلِيلُ
و هَلْ أرِدَنْ يَوْماً مِياهَ مَجِنَّةٍ
و هَلْ يَبْدُوَنْ لى شامَةٌ و طَفِيلُ

قالَ: اللَّهُمَّ العَنْ شَيْبَةَ بنَ رَبِيعَةَ، و عُتْبَةَ بنَ رَبِيعَةَ، و أُمَيَّةَ بنَ خَلْفٍ، كما أخرَجُونا مِنْ أرْضِنا إلى أرْضِ الوَباءِ، ثُمَّ قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: اللَّهُمَّ حَبِّبْ إلَيْنا المَدِينَةَ كَحُبِّنا مَكَّةَ أوْ أشَدَّ، اللَّهُمَّ بارِكْ لنا فى صاعِنا و فى مُدِّنا، و صَحِّحْها لَنا، وانْقُلْ

Give blessings in our Sāʿ and our Mudd (measures symbolising food) and make the climate of Medīna suitable for us, and divert its fever towards Aljuḥfa."

ʿAisha رضي الله عنها added: When we reached Medīna, it was the most unhealthy of Allāh's lands, and the valley of Baṭḥān (the valley of Medīna) used to flow with impure coloured water.

114. Narrated Zaid bin Aslam from his father: ʿUmar رضي الله عنه said, O Allāh! Grant me martyrdom in your cause, and let my death be in the city of Your Apostle ﷺ."

حُمَّاها إلى الجُحْفَةِ. قالَتْ: و قَدِمْنا المَدِينَةَ و هِيَ أَوْبأ أَرْضِ اللهِ، قالَتْ: فَكانَ بُطْحانُ يَجْرِي نَجْلاً، تَعْنِي ماءً آجِناً.

١١٤ - حدَّثَنا يَحْيى بنُ بُكَيْر: حدَّثَنا اللَّيْثُ، عَنْ خالِدِ بنِ يَزِيدَ، عَنْ سَعِيدِ بنِ أبي هِلالٍ، عَنْ زَيْدِ بنِ أَسْلَمَ، عَنْ أبِيهِ عَنْ عُمَرَ رَضِيَ اللهُ عَنْهُ، قالَ: اللَّهُمَّ ارْزُقْنِي شَهادَةً فى سَبِيلِكَ، واجْعَلْ مَوْتِي فى بَلَدِ رَسُولِكَ صلى اللهُ عليهِ وسلَّم. و قالَ ابنُ زُرَيْعٍ، عَنْ رَوْحِ بنِ القاسِمِ، عَنْ زَيْدِ بنِ أَسْلَمَ، عَنْ أُمِّهِ، عَنْ حَفْصَةَ بِنْتِ عُمَرَ رَضِيَ اللهُ عَنْهُما، قالَتْ: سَمِعْتُ عُمَرَ يَقُولُ نَحْوَهُ، و قالَ هِشامٌ، عَنْ زَيْدٍ، عَنْ أبِيهِ، عَنْ حَفْصَةَ: سَمِعْتُ عُمَرَ رَضِيَ اللهُ عَنْهُ.

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF FASTING :

CHAPTER. Fasting is obligatory in Ramaḍān. And the Statement of Allāh تعالى :—

‘O, you who believe !
Fasting is made compulsory for you
As it was made
For those before you
So that you may (learn) to be pious.’
(2 : 183)

115. Narrated Ṭalḥā bin ʿUbaid-Ullāh : A bedouin with unkempt hair came to Allāh's Apostle ﷺ and said, “O Allāh's Apostle ! Inform me what Allāh has made compulsory for me as regards the prayers.” He replied, “The five prayers, unless you want to pray Nawāfil.” The bedouin further asked, “Inform me what Allāh has made compulsory for me as regards fasting.” He replied, “The fasting of Ramaḍān only, unless you want to fast more as Nawāfil.” The bedouin further asked, “Tell me how much Zakāt Allāh has enjoined on me.” Thus, Allāh's Apostle ﷺ informed him about all the rules (i.e. fundamentals) of Islām. The bedouin then said, “By Him

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

كتاب الصوم

بابُ وُجُوبِ صَوْمِ رَمَضَانَ .
وَقَوْلِ اللهِ تَعالى - يا أيُّها الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيامُ كما كُتِبَ عَلَى الَّذِينَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ - .

١١٥ - حدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ : حدَّثَنا إسماعِيلُ بنُ جَعْفَرٍ ، عَنْ أبي سُهَيْلٍ ، عَنْ أبِيهِ ، عَنْ طَلْحَةَ بنِ عُبَيْدِ اللهِ : أن أعرَابيا جاءَ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم ثائِرَ الرَّأسِ فقالَ : يا رَسُولَ اللهِ ، أخبِرْني ماذَا فَرَضَ اللهُ عَلَيَّ مِنَ الصَّلاةِ ؟ فقالَ : الصَّلَوَاتُ الخَمْسُ إلا أنْ تَطَوَّعَ شَيْئًا . فقالَ : أخبِرْني بما فَرَضَ اللهُ عَلَيَّ مِنَ الصِّيامِ ؟، فقالَ : شَهْرُ رَمَضانَ إلا أنْ تَطَوَّعَ شَيْئًا ، فقالَ : أخبِرْني ما فَرَضَ اللهُ عَلَيَّ مِنَ الزَّكاةِ . فقالَ : فأخبَرَهُ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم شَرائعُ الاسْلامِ . قالَ :

Who honoured you, I will neither perform any Nawāfil nor will I decrease what Allāh has enjoined on me." Allāh's Apostle ﷺ said," If he is saying the truth, he will succeed (or he will be granted Paradise)."

116. Narrated Ibn ʿUmar ؓ : The Prophet ﷺ observed the fast on the 10th of Muḥarram(ʿĀshūrā'), and ordered (Muslims) to fast on it, but when the fasting of the month of Ramaḍān was prescribed, the fasting of the ʿĀshūrā' was abondoned. ʿAbdullāh did not use to fast on that day unless it coincided with his routine fasting by chance.

117. Narrated ʿĀisha ؓ : (The tribe of) Quraish used to fast on the day of ʿĀshūrā' in the Pre-Islamic period, and then Allāh's Apostle ﷺ ordered (Muslims) to fast on it till the fasting in the month of Ramaḍān was prescribed; whereupon the Prophet ﷺ said, "He who wants to fast (on ʿĀshūrā') may fast, and he who does not want to fast may not fast."

CHAPTER. The superiority of observing fasting.

118. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "Fasting is a shield (or a shelter). So, the person observing fasting should avoid sexual relation with his wife and should not behave

والَّذي أكْرَمَكَ لا أتَطَوَّعُ شَيْئًا ولا أنْقُصُ مِمَّا فَرَضَ اللهُ عَلَيَّ شَيْئًا. فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: أفْلَحَ إنْ صَدَقَ، أوْ أدْخِلَ الجَنَّةَ إنْ صَدَقَ.

١١٦ - حدَّثَنا مُسَدَّدٌ: حدَّثَنا إسماعِيلُ، عَنْ أيُّوبَ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: صامَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم عاشُوراءَ و أمَرَ بِصِيامِهِ فلَمَّا فُرِضَ رَمَضانُ تُرِكَ، و كانَ عَبْدُ اللهِ لا يَصُومُهُ إلاَّ أنْ يُوافِقَ صَوْمَهُ.

١١٧ - حدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا اللَّيْثُ، عَنْ يَزِيدَ بنِ أبي حَبِيبٍ: أنْ عِراكَ بنَ مالكٍ حدَّثَهُ: أنَّ عُرْوَةَ أخْبَرَهُ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أنَّ قُرَيْشًا كانَتْ تَصُومُ يَوْمَ عاشُوراءَ في الجاهِلِيَّةِ، ثُمَّ أمَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم بِصِيامِهِ حتى فُرِضَ رَمَضانُ. وَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَنْ شاءَ فَلْيَصُمْهُ و مَنْ شاءَ أفْطَرَهُ.

بابُ فَضْلِ الصَّوْمِ.

١١٨ - حدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالكٍ، عَنْ أبي الزِّنادِ، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: الصِّيامُ

foolishly and impudently, and if somebody fights with him or abuses him, he should tell him twice, 'I am fasting.'" The Prophet ﷺ added, "By Him in Whose Hands my soul is, the unpleasent smell coming from the mouth of a fasting person is better to Allāh ﷻ than the pleasent smell of musk. (Allāh says about the fasting person), 'He has left his eating, drinking and desires of women for My sake. Fasting is for Me. (1) So I will reward (the fasting person) for it and the reward of good deeds is multiplied ten times.'"

جُنَّةٌ فَلا يَرْفُثْ ولا يَجْهَلْ و إنِ امْرُؤٌ قاتَلَهُ أو شاتَمَهُ فَلْيَقُلْ: إنِّى صائِمٌ مَرَّتَيْنِ. والَّذِى نَفْسِى بِيَدِهِ لَخُلُوفُ فَمِ الصَّائِمِ أطْيَبُ عِنْدَ اللهِ تَعالى مِنْ رِيحِ المِسْكِ. يَتْرُكُ طَعامَهُ و شَرابَهُ و شَهْوَتَهُ مِنْ أجْلِى، الصِّيامُ لى و أنا أجْزِى بِهِ. والحَسَنَةُ بِعَشْرِ أمْثالِها.

CHAPTER. Fasting is an expiation (for sins).

بابٌ الصَّوْمُ كَفَّارَةٌ.

119. Narrated Abū Wa'il from Ḥudhaifa: 'Umar ؓ asked the people, "Who remembers the narration of the Prophet ﷺ about the affliction?" Ḥudhaifa said, "I heard the Prophet ﷺ saying, 'The affliction of the man in his property, family and neighbours is expiated by his prayers, fasting, and giving in charity.'" 'Umar said, "I do not ask about that, but I ask about those afflictions which will spread like the waves of the sea." Ḥudhaifa replied, "There is a closed gate in front of those afflictions." 'Umar

١١٩ - حَدَّثَنا عَلِىُّ بنُ عَبْدِ اللهِ: حَدَّثَنا سُفْيانُ: حَدَّثَنا جامِعٌ، عَنْ أبى وائِلٍ، عَنْ حُذَيْفَةَ قالَ: قالَ عُمَرُ رَضِىَ اللهُ عَنْهُ: مَنْ يَحْفَظُ حدِيثا عَنِ النَّبِىِّ صلى اللهُ عليه وسلَّم فى الفِتْنَةِ؟ قالَ حُذَيْفَةُ: أنا سَمِعْتُهُ يَقُولُ: فِتْنَةُ الرَّجُلِ فى أهْلِهِ و مالِهِ و جارِهِ تُكَفِّرُها الصَّلاةُ وَالصِّيامُ والصَّدَقَةُ. قالَ: لَيْسَ أسْألُ عَنْ ذِهِ، إنَّما أسْألُ عَنِ الَّتى تَمُوجُ كما يَمُوجُ

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(1) Although all practices of worshipping are for Allāh, here Allāh ﷻ singles out fasting, because fasting cannot be practised for the sake of showing off as nobody can know whether one is fasting or not except Allāh. Therefore, fasting is a pure performance that cannot be blemished with hypocrisy. (Fatḥ-ul-Bārī, vol. 5, p 10)

asked, "Will that gate be opened or or broken?" He replied, "It will be broken." ʿUmar said, "Then the gate will not be closed again till the Day of Resurrection." We said to Masrūq, "Would you ask Hudhaifa whether ʿUmar knew what that gate symbolized?" He asked him and he replied, "He (ʿUmar) knew it as one knows that tonight preceeds tomorrow."

CHAPTER. Ar-Raiyān (one of the gates of Paradise) is for the fasting people.

120. Narrated Sahl ؓ : The Prophet ﷺ said, "There is a gate in Paradise called Ar-Raiyān, and those who observe fasts will enter through it on the Day of Resurrection and none except them will enter through it. It will be said, 'Where are those who used to observe fasting?' They will get up, and none except them will enter through it. After their entry the gate will be closed and nobody will enter through it."

121. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "Whoever gives two kinds (of things or property) in charity for Allāh's Cause, will be called from the gates of Paradise and will be addressed, 'O the worshipper of Allāh! Here is prosperity.' So, whoever was amongst the people who used to offer their

البَحْرُ. قالَ حُذَيْفَةُ: وَإنَّ دُونَ ذلكْ بابا مُغْلَقا، قالَ: فَيُفْتَحُ أوْ يُكْسَرُ؟ قالَ: يُكْسَرُ، قالَ: ذَاكَ أجْدَرُ أنْ لا يُغْلَقَ إلى يَوْمِ القِيامَةِ. فَقُلْنا لِمَسْرُوقٍ: سَلْهُ، أكانَ عُمَرُ يَعْلَمُ مَنِ البابُ؟ فَسَألَهُ، فَقالَ نَعَمْ. كما يَعْلَمُ أنَّ دُونَ غَدٍ اللَّيْلَةَ.

بابٌ الرَّيَّانُ للصَّائِمِينَ.

١٢٠ ـ حدَّثَنا خالِدُ بنُ مَخْلَدٍ: حدَّثَنا سُلَيْمانُ بنُ بِلالٍ، قالَ: حدَّثَنِى أبُوحازِمٍ عَنْ سَهْلٍ رَضِىَ اللهُ عَنْهُ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَ: إنَّ فى الجَنَّةِ باباً يُقالُ لَهُ الرَّيَّانُ، يَدْخُلُ مِنْهُ الصَّائِمُونَ يَوْمَ القِيامَةِ، لا يَدْخُلُ مِنْهُ أحَدٌ غَيْرُهُمْ. يُقالُ: أيْنَ الصَّائِمُونَ؟ فَيَقُومُونَ لا يَدْخُلُ مِنْهُ أحَدٌ غَيْرُهُمْ، فإذَا دَخَلُوا أُغْلِقَ فَلَمْ يَدْخُلْ مِنْهُ أحَدٌ.

١٢١ ـ حدَّثَنا إبرَاهِيمُ بنُ المُنْذِرِ قالَ: حدَّثَنِى مَعْنٌ قالَ: حدَّثَنِى مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ حُمَيْدِ ابنِ عَبْدِ الرَّحْمَنِ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ: مَنْ أنْفَقَ زَوْجَيْنِ فى

prayers, will be called from the gate of the prayer; and whoever was amongst the people who used to participate in Jihād, will be called from the gate of Jihād ; and whoever was amongst those who used to observe fasting, will be called from the gate of Ar-Raiyān; whoever was amongst those who used to give in charity, will be called from the gate of charity." Abū Bakr رضي الله عنه said, " May my parents be sacrificed for you, O Allāh's Apostle ! No distress or need will befall him who will be called from those gates. Will there be any one who will be called from all these gates ? " The Prophet ﷺ replied, " Yes, and I hope you will be one of them."

سَبِيلِ اللهِ نُودِيَ مِنْ أَبْوَابِ الجَنَّةِ : يا عَبْدَ اللهِ وَ هٰذَا خَيْرٌ. فَمَنْ كَانَ مِنْ أَهْلِ الصَّلاةِ دُعِيَ مِنْ بَابِ الصَّلاةِ ، و مَنْ كَانَ مِنْ أَهْلِ الجِهادِ دُعِيَ مِنْ بَابِ الجِهادِ ، و مَنْ كَانَ مِنْ أَهْلِ الصِّيامِ دُعِيَ مِنْ بَابِ الرَّيَّانِ ، و مَنْ كَانَ مِنْ أَهْلِ الصَّدَقَةِ دُعِيَ مِنْ بَابِ الصَّدَقَةِ . فَقَالَ أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ : بِأَبِي أَنْتَ و أُمِّي يا رَسُولَ اللهِ ، ما عَلَى مَنْ دُعِيَ مِنْ تِلْكَ الأَبْوَابِ مِنْ ضَرُورَةٍ ، فَهَلْ يُدْعَى أَحَدٌ مِنْ تِلْكَ الأَبْوَابِ كُلِّهَا ؟ قَالَ نَعَمْ ؛ و أَرْجُو أَنْ تَكُونَ مِنْهُمْ -

CHAPTER. Should it be said " Ramadān" or " the month of Ramadān ? " And whoever thinks that both are permissible, and the Prophet ﷺ said, " Whoever fasts in Ramadān ", and also said, " Do not fast before Ramadān ". (1)

بابٌ هَلْ يُقالُ رَمَضَانُ أَوْ شَهْرُ رَمَضَانَ ؟ وَمَنْ رَأَى كُلَّهُ واسِعًا. و قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : مَنْ صامَ رَمَضَانَ . و قالَ : لا تَقَدَّمُوا رَمَضَانَ .

122. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, " When Ramadān begins, the gates of Paradise are opened."

١٢٢ ـ حدَّثَنا قُتَيْبَةُ : حدَّثَنا إسماعِيلُ بنُ جَعْفَرٍ ، عَنْ أَبِي سُهَيْلٍ ، عَنْ أَبِيهِ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : إِذَا جاءَ رَمَضَانُ فُتِحَتْ أَبْوَابُ الجَنَّةِ .

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(1) Don't fast one or two days before Ramadān immediately, fearing to miss the right beginning of the month. (See Hadith 138).

123. Narrated Abū Huraira (رضي الله عنه): Allāh's Apostle ﷺ said, "When the month of Ramaḍān starts, the gates of the heaven are opened and the gates of Hell are closed and the devils are chained."

١٢٣ - حَدَّثَنِي يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنِي اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ قَالَ: حَدَّثَنِي ابْنُ أَبِي أَنَسٍ مَوْلَى التَّيْمِيِّينَ: أَنَّ أَبَاهُ حَدَّثَهُ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: إِذَا دَخَلَ شَهْرُ رَمَضَانَ فُتِّحَتْ أَبْوَابُ السَّمَاءِ، وَغُلِّقَتْ أَبْوَابُ جَهَنَّمَ، وَسُلْسِلَتِ الشَّيَاطِينُ.

124. Narrated Ibn ʿUmar (رضي الله عنهما): I heard Allāh's Apostle ﷺ saying, "When you see the crescent (of Ramaḍān), start fasting, and when you see the crescent (of the month of Shawwāl), stop fasting; and if the sky is overcast (and you can't see it) then regard the month of Ramaḍān as of 30 days."

١٢٤ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ قَالَ: حَدَّثَنِي اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، قَالَ: أَخْبَرَنِي سَالِمٌ أَنَّ ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ: سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ: إِذَا رَأَيْتُمُوهُ فَصُومُوا، وَإِذَا رَأَيْتُمُوهُ فَأَفْطِرُوا، فَإِنْ غُمَّ عَلَيْكُمْ فَاقْدِرُوا لَهُ. وَقَالَ غَيْرُهُ عَنِ اللَّيْثِ: حَدَّثَنِي عُقَيْلٌ وَيُونُسُ لِهِلَالِ رَمَضَانَ.

CHAPTER. Fasting in Ramaḍān with good faith (that it is an enjoined duty), and with a wish for a reward from Allāh and with honest intention.

And ʿAisha narrated from the Prophet ﷺ, "The people will be resurrected (and judged) according to their intentions."

بَابُ مَنْ صَامَ رَمَضَانَ إِيمَانًا وَاحْتِسَابًا وَنِيَّةً.

وَقَالَتْ عَائِشَةُ رَضِيَ اللهُ عَنْهَا، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: يُبْعَثُونَ عَلَى نِيَّاتِهِمْ

125. Narrated Abū Huraira (رضي الله عنه):

١٢٥ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ:

The Prophet ﷺ said, "Whoever established prayers for the night of Qadr with good faith and with a wish for a reward from Allāh, then all his previous sins will be forgiven; and whoever fasts in the month of Ramaḍān with good faith and with a wish for a reward from Allāh, then all his previous sins will be forgiven."

حَدَّثَنَا هِشَامٌ: حَدَّثَنَا يَحْيَى، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: مَنْ قامَ لَيْلَةَ القَدْرِ إيمانا و احْتِسابا غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ، و مَنْ صامَ رَمَضَانَ إيمانا و احْتِسابا غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ.

CHAPTER. The Prophet ﷺ used to be most generous in the month of Ramaḍān.

بابٌ أَجْوَدُ ما كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم يَكُونُ في رَمَضانَ.

126. Narrated Ibn ʿAbbās ؓ : The Prophet ﷺ was the most generous amongst the people, and he used to be more so in the month of Ramaḍān when Gabriel visited him, and Gabriel used to meet him on every night of Ramaḍān till the month was over. The Prophet ﷺ used to recite the Holy Qur'ān to Gabriel, and when Gabriel met him, he used to be more generous than a fast wind (which causes rain and welfare).

١٢٦ - حَدَّثَنَا مُوسَى بنُ إسمَاعِيلَ: حَدَّثَنَا إبْرَاهِيمُ بنُ سَعْدٍ: أَخْبَرَنَا ابنُ شِهابٍ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ: أنَّ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم أجْوَدَ النَّاسِ بالخَيْرِ، و كانَ أجْوَدَ ما يَكُونُ في رَمَضانَ حِينَ يَلْقَاهُ جِبْرِيلُ، و كانَ جِبْرِيلُ عَلَيْهِ السَّلامُ يَلْقاهُ كُلَّ لَيْلَةٍ في رَمَضانَ حتَّى يَنْسَلِخَ يَعْرِضُ عَلَيْهِ النَّبِيُّ صلى اللهُ عليهِ وسلَّم القُرْآنَ، فإذا لَقِيَهُ جِبْرِيلُ عَلَيْهِ السَّلامُ كانَ أجْوَدَ بالخَيْرِ مِنَ الرِّيحِ المُرْسَلَةِ.

CHAPTER. Whoever does not give up forged speech and evil actions while fasting.

بابُ مَنْ لمْ يَدَعْ قَوْلَ الزُّورِ والعَمَلَ بِهِ في الصَّوْمِ.

127. Narrated Abū Huraira ؓ :

١٢٧ - حَدَّثَنَا آدَمُ بنُ أبي إياسٍ:

The Prophet ﷺ said, "Whoever does not give up forged speech and evil actions, Allāh is not in need of his leaving his food and water (i. e. Allāh will not accept his fasting.)"

CHAPTER. Should one say, "I am fasting" on being abused?

128. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "Allāh said, 'All the deeds of Ādam's sons (people) are for them, except fasting which is for Me, and I will give the reward for it.' Fasting is a shield or shelter from committing sins. If one of you is fasting, he should avoid obscenity and quarrelling, and if somebody should fight or quarrel with him, he should say, 'I am fasting.' By Him in Whose Hands my soul is! The unpleasent smell coming from the mouth of a fasting person is better to Allah than the pleasent smell of musk. There are two pleasures for the fasting person, one at the time of breaking his fast, and the other at the time when he meets his Lord; then he will be pleased because of his fasting."

CHAPTER. Fasting (is recommended) for those who fear committing illegal sexual relation, as they are single.

حَدَّثَنَا ابْنُ أَبِى ذِئْبٍ : حَدَّثَنَا سَعِيدٌ الْمَقْبُرِىُّ، عَنْ أَبِيهِ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ، قَالَ : قَالَ النَّبِىُّ صلى الله عليهِ وسلَّم: مَنْ لَمْ يَدَعْ قَوْلَ الزُّورِ وَالْعَمَلَ بِهِ فَلَيْسَ لِلّهِ حَاجَةٌ فِى أَنْ يَدَعَ طَعَامَهُ وَشَرَابَهُ .

بابٌ هَلْ يَقُولُ إِنِّى صَائِمٌ إِذَا شُتِمَ .

١٢٨ ـ حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى : أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ، عَنِ ابْنِ جُرَيْجٍ قَالَ : أَخْبَرَنِى عَطَاءٌ، عَنْ أَبِى صَالِحٍ الزَّيَّاتِ : أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ يَقُولُ : قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: قَالَ اللهُ : كُلُّ عَمَلِ ابْنِ آدَمَ لَهُ إِلاَّ الصِّيَامَ فَإِنَّهُ لِى، و أنا أَجْزِى بِهِ، وَالصِّيَامُ جُنَّةٌ. وَإِذَا كَانَ يَوْمُ صَوْمِ أَحَدِكُمْ فَلَا يَرْفُثْ ولا يَصْخَبْ، فَإِنْ سَابَّهُ أَحَدٌ أَوْ قَاتَلَهُ فَلْيَقُلْ : إِنِّى امْرُؤٌ صَائِمٌ. وَالَّذِى نَفْسُ مُحَمَّدٍ بِيَدِهِ لَخُلُوفُ فَمِ الصَّائِمِ أَطْيَبُ عِنْدَ اللهِ مِنْ رِيحِ الْمِسْكِ. لِلصَّائِمِ فَرْحَتَانِ يَفْرَحُهُمَا: إِذَا أَفْطَرَ فَرِحَ، و إِذَا لَقِىَ رَبَّهُ فَرِحَ بِصَوْمِهِ.

بابُ الصَّوْمِ لِمَنْ خَافَ عَلَى نَفْسِهِ الْعُزْبَةَ .

129. Narrated ʿAlqama : While I was walking with ʿAbdullāh ؓ he said, " We were in the company of the Prophet ﷺ and he said, ' He who can afford to marry should marry, because it will help him refrain from looking at other women, and save his private parts from committing illegal sexual relation; and he who cannot afford to marry is advised to fast, as fasting will control the sexual power.' "

١٢٩ - حَدَّثَنَا عَبْدَانُ، عَنْ أَبِي حَمْزَةَ، عَنِ الأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: بَيْنَا أَنَا أَمْشِي مَعَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ فَقَالَ: كُنَّا مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم فَقَالَ: مَنِ اسْتَطَاعَ البَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَغَضُّ لِلْبَصَرِ، وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءٌ.

CHAPTER. The Statement of the Prophet ﷺ : 'Start fasting on seeing the crescent of Ramaḏān, and stop fasting on seeing the crescent (of Shawwāl).'

And ʿAmmār said, " Whoever fasts on a doubtful day(1) is disobeying Abū-l-Qāsim (i. e. the Prophet ﷺ)."

بابُ قَوْلِ النَّبِيِّ صلى اللهُ عليه وسلَّم: إِذَا رَأَيْتُمُ الهِلَالَ فَصُومُوا، وَإِذَا رَأَيْتُمُوهُ فَأَفْطِرُوا.

وَقَالَ صِلَةُ عَنْ عَمَّارٍ: مَنْ صَامَ يَوْمَ الشَّكِّ فَقَدْ عَصَى أَبَا القَاسِمِ صلى اللهُ عليه وسلَّم.

130. Narrated ʿAbdullāh bin ʿUmar ؓ : Allāh's Apostle ﷺ mentioned Ramaḏān and said, " Do not fast unless you see the crescent (of Ramaḏān), and do not give up fasting till you see the crescent (of Shawwāl), but if the sky is overcast (if you cannot see it), then act on estimation (i. e. count Shaʿbān as 30 days)."

١٣٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ نَافِعٍ: عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم ذَكَرَ رَمَضَانَ فَقَالَ: لَا تَصُومُوا حَتَّى تَرَوُا الهِلَالَ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ، فَإِنْ غُمَّ عَلَيْكُمْ فَاقْدِرُوا لَهُ.

131. Narrated ʿAbdullāh bin ʿUmar ؓ : Allāh's Apostle ﷺ said, "The

١٣١ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حَدَّثَنَا مَالِكٌ، عَنْ عَبْدِ اللهِ بنِ دِينَارٍ،

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(1) The doubtful day is the day that is not certainly the first of Ramaḏān, but perhaps the last of Shaʿbān, the preceding month.

month (can be) 29 nights (i.e. days), and do not fast till you see the moon, and if the sky is overcast, then complete Sha'bān as thirty days."

عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا : أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ : الشَّهْرُ تِسْعٌ و عِشْرُونَ لَيْلَةً فَلَا تَصُومُوا حتَّى تَرَوْهُ . فإِنْ غُمَّ عَلَيْكُمْ فأَكْمِلُوا العِدَّةَ ثَلاثِينَ .

132. Narrated Ibn ʿUmar رضي الله عنهما : The Prophet ﷺ said, "The month is like this and this," (at the same time he showed the fingers of both his hands thrice) and left out one thumb on the third time.

١٣٢ - حدَّثنا أبُو الوَلِيدِ : حدَّثنا شُعْبَةُ ، عَنْ جَبَلَةَ بْنِ سُحَيْمٍ قالَ : سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا يَقُولُ : قالَ النَّبِيُّ صلى اللهُ عليه وسلَّم : الشَّهْرُ هكَذَا و هكَذَا ، وخَنَسَ الإِبْهامَ فى الثَّالِثَةِ .

133. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ or Abu-l-Qāsim ﷺ said, "Start fasting on seeing the crescent (of Ramaḍān), and give up fasting on seeing the crescent (of Shawwāl), and if the sky is overcast (and you cannot see it), complete thirty days of Sha'bān."

١٣٣ - حدَّثنا آدَمُ : حدَّثنا شُعْبَةُ : حدَّثنا مُحَمَّدُ بْنُ زِيادٍ قالَ : سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ : قالَ النَّبِيُّ صلى اللهُ عليه وسلَّم أوْ قالَ : قالَ أبُو القاسِمِ صلى اللهُ عليه وسلَّم : صُومُوا لِرُؤْيَتِهِ و أفْطِرُوا لِرُؤْيَتِهِ ، فإِنْ غُبِّيَ عَلَيْكُمْ فأكْمِلُوا عِدَّةَ شَعْبانَ ثَلاثِينَ .

134. Narrated Um Salama رضي الله عنها : The Prophet ﷺ vowed to keep aloof from his wives for a period of one month, and after the completion of 29 days he went either in the morning or in the afternoon to his wives. Someone said to him, "You vowed that you would not go to your wives for one month." He replied, "The month is of 29 days."

١٣٤ - حدَّثنا أبُو عاصِمٍ ، عَنْ ابْنِ جُرَيْجٍ ، عَنْ يَحْيَى بْنِ عَبْدِ اللهِ بْنِ صَيْفِى ، عَنْ عِكْرِمَةَ بْنِ عَبْدِ الرَّحْمَنِ ، عَنْ أُمِّ سَلَمَةَ رَضِيَ اللهُ عَنْها : أنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم آلَى مِنْ نِسَائِهِ شَهْرًا ، فلَمَّا مَضَى تِسْعَةٌ و عِشْرُونَ

يَوْماً غَدَا أَوْ رَاحَ فَقِيلَ لَهُ: إِنَّكَ حَلَفْتَ أَنْ لَا تَدْخُلَ شَهْراً، فَقَالَ: إِنَّ الشَّهْرَ يَكُونُ تِسْعَةً و عِشْرِينَ يَوْماً.

135. Narrated Anas ﵁ : Allāh's Apostle ﷺ vowed to keep aloof from his wives for one month, and he had dislocation of his leg. So, he stayed in a Mashruba for 29 nights and then came down. Some people said, "O Allāh's Apostle! You vowed to stay aloof for one month." He replied, "The month is of 29 days."

١٣٥ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللهِ: حَدَّثَنَا سُلَيْمَانُ بْنُ بِلَالٍ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قَالَ: آلَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم مِنْ نِسَائِهِ و كَانَتِ انْفَكَّتْ رِجْلُهُ فَأَقَامَ فِي مَشْرُبَةٍ تِسْعاً وعِشْرِينَ لَيْلَةً ثُمَّ نَزَلَ. فَقَالُوا: يَا رَسُولَ اللهِ، آلَيْتَ شَهْراً، فَقَالَ: إِنَّ الشَّهْرَ يَكُونُ تِسْعاً و عِشْرِينَ.

CHAPTER. The two months of ʿĪd do not decrease. Said Abū ʿAbdullāh from Isḥāq that if Ramaḍān is of 29 days, even then it is complete (in its superiority); said Muḥammad, "It will not happen that there will be reduction in its number and superiority."

بَابٌ شَهْرَا عِيدٍ لَا يَنْقُصَانِ. قَالَ أَبُو عَبْدِ اللهِ قَالَ إِسْحَاقُ: و إِنْ كَانَ نَاقِصاً فَهُوَ تَمَامٌ. و قَالَ مُحَمَّدٌ: لَا يَجْتَمِعَانِ، كِلَاهُمَا نَاقِصٌ.

136. Narrated Abū Bakara ﵁ : The Prophet ﷺ said, "The two months of ʿĪd i. e. Ramaḍān and Dhul-Ḥijja, do not decrease (in superiority)." (1)

١٣٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا مُعْتَمِرٌ قَالَ: سَمِعْتُ إِسْحَاقَ يَعْنِي بْنَ سُوَيْدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ

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(1) There are many interpretations of this Ḥadīth, but the most common one is this: The good deeds done in these two months are rewarded fully whether these months are of 29 or 30 days. There is no harm if Muslims unknowingly start fasting on a wrong day, or stay at ʿArafāt during Ḥajj on a day other than the prescribed one, on condition that the crescent should be watched carefully. For example, if two persons witness that they have seen the crescent and the people fast or stay at ʿArafāt accordingly, and later the two witnesses turn to be liars, the acts of worshipping performed by the Muslims will not be rejected by Allāh. (Fatḥ-ul-Bārī, Vol. 5, p. 26-27).

أبِيهِ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم ح. وحدَّثَنِي مُسَدَّدٌ: حدَّثَنا مُعْتَمِرٌ، عَنْ خالِدٍ الحَذَّاءِ قالَ: أخْبَرَنِي عَبْدُ الرَّحْمَنِ ابنُ أبِي بَكْرَةَ، عَنْ أبِيهِ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: شَهْرَانِ لا يَنْقُصَانِ، شَهْرَا عِيدٍ، رَمَضَانُ وذُو الحَجَّةِ.

CHAPTER. The Statement of the Prophet ﷺ : We neither write nor know accounts.

باب قَوْلِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: لا نَكْتُبُ ولا نَحْسُبُ.

137. Narrated Ibn ʿUmar رضي الله عنهما : The Prophet ﷺ said, "We are an illiterate nation; we neither write, nor know accounts. The month is like this and this, i. e. sometimes of 29 days and sometimes of thirty days."

١٣٧ - حدَّثَنا آدَمُ: حدَّثَنا شُعْبَةُ: حدَّثَنا الأسْوَدُ بنُ قَيْسٍ: حدَّثَنا سَعِيدُ ابنُ عَمْرٍو: أنَّهُ سَمِعَ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم، أنَّهُ قالَ: إنَّا أُمَّةٌ أُمِّيَّةٌ لا نَكْتُبُ ولا نَحْسُبُ. الشَّهْرُ هكَذَا وهكَذَا، يَعْنِي مَرَّةً تِسْعَةً وعِشْرِينَ ومَرَّةً ثَلاثِينَ.

CHAPTER. Not to fast a day or two before Ramaḍān.

باب لا يَتَقَدَّمُ رَمَضَانَ بِصَوْمِ يَوْمٍ ولا يَوْمَيْنِ.

138. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "None of you should fast a day or two before the month of Ramaḍān unless he has the habit of fasting (Nawāfil) (and his fasting coincides with that day) then he can fast that day."

١٣٨ - حدَّثَنا مُسْلِمُ بنُ إبْرَاهِيمَ: حدَّثَنا هِشَامٌ: حدَّثَنا يَحْيَى بنُ أبِي كَثِيرٍ، عَنْ أبِي سَلَمَةَ، عَنْ أبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم، أنَّهُ قالَ: لا يَتَقَدَّمَنَّ أحَدُكُمْ رَمَضَانَ بِصَوْمِ يَوْمٍ أوْ يَوْمَيْنِ، إلا

أنْ يَكُونَ رَجُلٌ كانَ يَصُومُ صَوْماً، فَلْيَصُمْ ذلكَ اليَوْمَ .

CHAPTER. The Statement of Allāh ﷻ —

'You are permitted
To go to your wives (for sexual relation)
At the night of fasting.
They are (like) your garments
And you are (like) their garments.
Allāh knows what you
Used to deceive yourselves;
But he turned to you
And forgave you,
So now associate with them
And seek what Allāh
Has ordained for you.' (2 : 187)

بابٌ قَوْلِ اللهِ جَلَّ ذِكْرُهُ - أُحِلَّ لَكُمْ لَيْلَةَ الصِّيامِ الرَّفَثُ إلى نِسائِكُمْ هُنَّ لِباسٌ لَكُمْ و أَنْتُمْ لِباسٌ لَهُنَّ عَلِمَ اللهُ أَنَّكُمْ كُنْتُمْ تَخْتانُونَ أَنْفُسَكُمْ فَتابَ عَلَيْكُمْ و عَفا عَنْكُمْ فالآنَ باشِرُوهُنَّ وابْتَغُوا ما كَتَبَ اللهُ لَكُمْ - .

139. Narrated Al-Barā' ؓ : It was the custom among the companions of Muḥammad ﷺ that if any of them was fasting and the food was presented (for breaking his fast), but he slept before eating, he would not eat that night and the following day till sunset.

Qais bin Ṣirma-al-Anṣārī was fasting and came to his wife at the time of Iftār (breaking one's fast) and asked her whether she had anything to eat. She replied, "No, but I would go and bring some for you." He used to do hard work during the day, so he was overwhelmed by sleep and slept. When his wife came and saw him, she said, "Disappointment for you." When it was midday on the following day, he fainted

١٣٩ - حدَّثَنا عُبَيْدُ اللهِ بنُ مُوسَى، عَنْ إسْرائيلَ، عَنْ أبي إسحاقَ، عَنِ البَراءِ رَضِيَ اللهُ عَنْهُ قالَ: كانَ أصحابُ مُحَمَّدٍ صلى اللهُ عليهِ وسلَّمَ إذا كانَ الرَّجُلُ صائِماً فَحَضَرَ الإفْطارُ فَنامَ قَبْلَ أنْ يُفْطِرَ لم يأكُلْ لَيْلَتَهُ ولا يَوْمَهُ حتَّى يُمْسِيَ . و إنَّ قَيْسَ بنَ صِرْمَةَ الأنْصارِيَّ كانَ صائِماً فَلَمَّا حَضَرَ الإفْطارُ أتى امْرَأتَهُ فَقالَ لَها: أعِنْدَكِ طَعامٌ؟ قالَتْ: لا، ولَكِنْ أنْطَلِقُ فأطْلُبُ لكَ . و كانَ يَوْمَهُ يَعْمَلُ فَغَلَبَتْهُ عَيْناهُ فَجاءَتْهُ امْرَأتُهُ فَلَمَّا رَأتْهُ قالَتْ: خَيْبَةً لكَ . فَلَمَّا انْتَصَفَ

and the Prophet ﷺ was informed about the whole matter and the Divine Inspiration came :—

> ‘You are permitted
> To go to your wives (for sexual relation)
> At the night of fasting.’

So, they were overjoyed by it. And then Allāh also revealed :—

> ‘And eat and drink
> Until the white thread
> Of dawn appears to you
> Distinct from the black thread (of the night).’ (2 : 187)

النَّهارُ غُشِيَ عَلَيْهِ فَذُكِرَ ذلكَ للنَّبِيِّ صلى اللهُ عليهِ وسلَّم فَنَزَلَتْ هذهِ الآيَةُ ۔ أُحِلَّ لَكُمْ لَيْلَةَ الصِّيامِ الرَّفَثُ إلى نِسائِكُمْ ۔ فَفَرِحُوا بِها فَرَحاً شَدِيداً. و نَزَلَتْ ۔ و كُلُوا واشْرَبُوا حتّى يَتَبَيَّنَ لَكُمُ الخَيْطُ الأبْيَضُ مِنَ الخَيْطِ الأسْوَدِ.

CHAPTER. The Statement of Allāh تعالى :—

> ‘And eat and drink
> Until the white thread
> Of dawn appears to you
> Distinct from the black thread (of the night).
> Then complete your fast
> Till the night appears.’ (2 : 187)

Narrated Al-Barā’ from the Prophet ﷺ as above.

باب قَوْلِ اللهِ تَعالى ۔ و كُلُوا وَاشْرَبُوا حتّى يَتَبَيَّنَ لَكُمُ الخَيْطُ الأبْيَضُ مِنَ الخَيْطِ الأسْوَدِ مِنَ الفَجْرِ ثُمَّ أتِمُّوا الصِّيامَ إلى اللَّيْلِ ۔ فيهِ البَراءُ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم.

140. Narrated ‘Adī bin Ḥātim ؓ : When the above Devine Inspiration came : ‘Until the white thread appears to you, distinct from the black thread,’ I took two (hair) strings, one black and the other white, and kept them under my pillow and went on looking at them throughout the night but could not make anything out of it. So, the next morning I went to Allāh’s Apostle ﷺ and told him the whole story. He

١٤٠ ۔ حدَّثَنا حَجّاجُ بنُ مِنْهالٍ: حدَّثَنا هُشَيْمٌ قالَ: أخْبَرَني حُصَيْنُ بنُ عَبْدِ الرَّحْمَنِ، عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بنِ حاتِمٍ رَضِيَ اللهُ عَنْهُ قالَ: لَمّا نَزَلَتْ ۔ حتّى يَتَبَيَّنَ لَكُمُ الخَيْطُ الأبْيَضُ مِنَ الخَيْطِ الأسْوَدِ ۔ عَمَدْتُ إلى عِقالٍ أسْوَدَ و إلى عِقالٍ أبْيَضَ

explained to me, "That verse means the darkness of the night and the whiteness of the dawn."

فَجَعَلْتُهُما تَحْتَ وِسادَتى ، فَجَعَلْتُ أَنْظُرُ فى اللَّيْلِ فَلا يَسْتَبِينُ لى . فَغَدَوْتُ عَلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَذَكَرْتُ لَهُ ذلكَ فَقالَ : إنَّما ذلكَ سَوَادُ اللَّيْلِ وَبَياضُ النَّهارِ .

141. Narrated Sahl bin Saᶜd : When the Divine Inspiration : 'Eat and drink until the white thread appears to you, distinct from the black thread' was revealed and 'of dawn' was not revealed, some people who intended to fast, tied black and white threads to their legs and went on eating till they differentiated between the two. Allāh then revealed the words, 'of dawn', and it became clear that that meant night and day.

١٤١ ـ حدَّثَنا سَعِيدُ بنُ أبي مَرْيَمَ : حدَّثَنا ابنُ أبي حازِمٍ ، عَنْ أبِيهِ ، عَنْ سَهْلِ ابنِ سَعْدٍ ح وحدَّثَنى سَعِيدُ بنُ أبي مَرْيَمَ : حدَّثَنا أبُو غَسَّانَ مُحَمَّدُ بنُ مُطَرِّفٍ قالَ : حدَّثَنِى أبُو حازِمٍ ، عَنْ سَهْلِ ابنِ سَعْدٍ قالَ : أُنْزِلَتْ ـ وكُلُوا واشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الخَيْطُ الأبْيَضُ مِنَ الخَيْطِ الأسْوَدِ ـ ولمْ يَنْزِلْ ـ مِنَ الفَجْرِ ـ فَكانَ رِجالٌ إذَا أرادُوا الصَّوْمَ ربطَ أحَدُهُمْ فى رِجْلِهِ الخَيْطَ الأبْيَضَ والخَيْطَ الأسْوَدَ ، ولمْ يَزَلْ يأكُلُ حَتَّى يَتَبَيَّنَ لَهُ رُؤْيَتُهُما . فأنْزَلَ اللهُ بَعْدُ ـ مِنَ الفَجْرِ ـ فَعَلِمُوا أنَّهُ إنَّما يَعْنِى اللَّيْلَ والنَّهارَ .

CHAPTER. The Statement of the Prophet ﷺ : The Adhān of Bilāl should not stop you from getting Suḥūr (late-night meals).

بابُ قَوْلِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم : لا يَمْنَعَنْكُمْ مِنْ سُحُورِكُمْ أذَانُ بِلالٍ .

142. Narrated ᶜĀisha رضي الله عنها : Bilāl used to pronounce the Adhān at night, so Allāh's Apostle ﷺ said, "Carry on taking your meals (eat and drink) till Ibn Um Maktūm pronounces the Adhān, for he

١٤٢ ـ حدَّثَنا عُبَيْدُ بنْ إسماعِيلَ ، عَنْ أبي أُسامَةَ ، عَنْ عُبَيْدِ اللهِ ، عَنْ نافِعٍ ، عَنِ ابنِ عُمَرَ ، والقاسِمِ بنِ مُحَمَّدٍ عَنْ عائِشَةَ رَضِىَ اللهُ عَنْها : أنَّ بِلالاً

does not pronounce it till it is dawn. Al-Qāsim said, "The interval between the two Adhāns was as long as the period taken by the one's getting up and the other's getting down."

كَانَ يُؤَذِّنُ بِلَيْلٍ ، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ: كُلُوا واشْرَبُوا حَتّى يُؤَذِّنَ ابنُ أُمِّ مَكْتُومٍ فإنَّهُ لا يُؤَذِّنُ حَتّى يَطْلُعَ الفَجْرُ. قالَ القاسِمُ: ولَمْ يَكُنْ بَيْنَ أذَانِهِما إلاَّ أنْ يَرْقَى ذَا و يَنْزِلُ ذَا.

CHAPTER. Taking the Suḥūr hurriedly (shortly before dawn). (1)

بابُ تَعْجِيلِ السُّحُورِ.

143. Narrated Sahl bin Sa'd رضي الله عنه : I used to take my Suḥūr meals with my family and then hurry up for presenting myself for the (Fajr) prayer with Allāh's Apostle ﷺ .

١٤٣ ـ حدَّثنا مُحَمَّدُ بنُ عُبَيْدِ اللهِ: حدَّثنا عَبْدُ العَزِيزِ بنُ أبي حازِمٍ، عَنْ أبي حازِمٍ، عَنْ سَهْلِ بنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ قالَ: كُنْتُ أتَسَحَّرُ في أهْلي، ثُمَّ تَكُونُ سُرْعَتي أنْ أُدْرِكَ السُّحُورَ مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ.

CHAPTER. What is the interval between the (end of) Suḥūr and the Fajr prayer?

بابُ قَدْرِ كَمْ بَيْنَ السُّحُورِ و صَلاةِ الفَجْرِ؟

144. Narrated Anas رضي الله عنه : Zaid bin Thābit رضي الله عنه said, "We took the Suḥūr with the Prophet ﷺ . Then he stood for the prayer." I asked, "What was the interval between the Suḥūr and the Adhān?" He replied, "The interval was sufficient to recite fifty verses of the Qur'ān."

١٤٤ ـ حدَّثنا مُسْلِمُ بنُ إبْرَاهِيمَ: حدَّثنا هِشامٌ: حدَّثنا قَتادَةُ، عَنْ أنَسٍ، عَنْ زَيْدِ بنِ ثابِتٍ رَضِيَ اللهُ عَنْهُ قالَ: تَسَحَّرْنا مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ ثُمَّ قامَ إلى الصَّلاةِ، قُلْتُ: كَمْ كانَ بَيْنَ الأذانِ والسُّحُورِ؟ قالَ: قَدْرُ خَمْسِينَ آيَةً.

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(1) They used to take the meal of Suḥūr so late at night that they hurried in eating so that they might offer the Fajr prayer with Allāh's Apostle ﷺ .

CHAPTER. The Suḥūr is a blessing but it is not compulsory, for the Prophet ﷺ and his companions kept fasting continuously for more than one day and (of course) no Suḥūr was taken (during that prolonged fast).

باب بَرَكَةِ السُّحُورِ مِنْ غَيْرِ إِيجَابٍ، لأَنَّ النَّبِيَّ صلى اللهُ عليه وسلَّمَ وأَصْحَابَهُ وَاصَلُوا وَلَمْ يُذْكَرِ السُّحُورُ.

145. Narrated ʿAbdullāh ؓ: The Prophet ﷺ fasted for days continuously; the people also did the same but it was difficult for them. So, the Prophet ﷺ forbade them (to fast continuously for more than one day). They said, "But you fast without break (no food was taken in the evening or in the morning)." The Prophet ﷺ replied, "I am not like you, for I am provided with food and drink (by Allāh) spiritually during the day."

١٤٥ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ صلى الله عليهِ وسلَّمَ وَاصَلَ فَوَاصَلَ النَّاسُ فَشَقَّ عَلَيْهِمْ فَنَهاهُمْ. قالُوا: إِنَّكَ تُوَاصِلُ، قالَ: لَسْتُ كَهَيْئَتِكُمْ، إِنِّى أَظَلُّ أُطْعَمُ وَأُسْقَى.

146. Narrated Anas bin Mālik ؓ: The Prophet ﷺ said, "Take Suḥūr as there is a blessing in it."

١٤٦ - حَدَّثَنَا آدَمُ بْنُ أَبِي إِيَاسٍ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ صُهَيْبٍ قالَ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى الله عليهِ وسلَّمَ: تَسَحَّرُوا فَإِنَّ فِى السُّحُورِ بَرَكَةً.

CHAPTER. If the intention of fasting was made in the day-time .... Said Um Ad-Dardā': Abū Ad-Dardā' used to ask, "Do you have food?" If we answered in the negative, he would say, "Then I am fasting today." Abū Ṭalḥa, Abū Huraira, Ibn ʿAbbas and Ḥudhaifa ؓ did the same.

باب إِذَا نَوَى بِالنَّهارِ صَوْماً. وقالَتْ أُمُّ الدَّرْدَاءِ: كانَ أَبُو الدَّرْدَاءِ يَقُولُ: عِنْدَكُمْ طَعامٌ؟ فَإِنْ قُلْنا لا، قالَ فَإِنِّى صَائِمٌ يَوْمِى هَذَا. وفَعَلَهُ أَبُو طَلْحَةَ وأَبُو هُرَيْرَةَ وابْنُ عَبَّاسٍ وحُذَيْفَةُ رَضِيَ اللهُ عَنْهُمْ.

147. Narrated Salama bin Al-Akwaʿ رضي الله عنه : Once the Prophet ﷺ ordered a person on ʿĀshūrāʾ (the tenth of Muharram) to announce, "Whoever has eaten should eat no more, but fast, and who has not eaten should not eat, but continue fasting.

١٤٧ ـ حَدَّثَنَا أَبُو عاصِمٍ ، عَنْ يَزِيدَ ابنِ أبي عُبَيْدٍ ، عَنْ سَلَمَةَ بنِ الأَكْوَعِ رَضِيَ اللهُ عَنْهُ : أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم بَعَثَ رَجُلاً يُنادِي في النَّاسِ يَوْمَ عاشُورَاءَ : أَنْ مَنْ أَكَلَ فَلْيُتِمَّ أَوْ فَلْيَصُمْ ، و مَنْ لَمْ يأكُلْ فَلا يأكُلْ .

CHAPTER. If a fasting person gets up in the morning in the state of Janāba (will his fast be valid ?).

بابُ الصَّائِمِ يُصْبِحُ جُنُبًا .

148. Narrated ʿĀisha and Um Salama رضي الله عنهما : At times Allāh's Apostle ﷺ used to get up in the morning in the state of Janāba after having sexual relations with his wives. He then would take a bath and fast.

A conversation regarding this above narration between the narrators not translated.

١٤٨ ـ حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ ، عَنْ مالِكٍ ، عَنْ سُمَيٍّ مَوْلَى أبي بَكْرِ ابنِ عَبْدِ الرَّحْمَنِ بنِ الحَارِثِ بنِ هِشامِ ابنِ المُغِيرَةِ . أَنَّهُ سَمِعَ أبا بَكْرِ بنَ عَبْدِ الرَّحْمَنِ قالَ : كُنْتُ أنا و أبي حِينَ دَخَلْنا عَلى عائِشَةَ و أُمِّ سَلَمَةَ ح و حَدَّثَنا أَبُو اليَمانِ : أَخْبَرَنا شُعَيْبٌ ، عَنِ الزُّهْرِيِّ قالَ : أَخْبَرَنِي أَبُو بَكْرِ بنُ عَبْدِ الرَّحْمَنِ بنِ الحَارِثِ بنِ هِشامٍ : أَنَّ أَباهُ عَبْدَ الرَّحْمَنِ أَخْبَرَ مَرْوَانَ : أَنَّ عائِشَةَ و أُمَّ سَلَمَةَ أَخْبَرَتاهُ أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم كانَ يُدْرِكُهُ الفَجْرُ ، و هُوَ جُنُبٌ مِنْ أَهْلِهِ ، ثُمَّ يَغْتَسِلُ و يَصُومُ . و قالَ مَرْوَانُ لِعَبْدِ الرَّحْمَنِ بنِ الحَارِثِ : أُقْسِمُ بِاللهِ لَتُقَرِّعَنَّ بِها أَبا هُرَيْرَةَ . و مَرْوَانُ يَوْمَئِذٍ عَلى المَدِينَةِ ، فَقالَ أَبُو بَكْرٍ : فَكَرِهَ ذلكَ عَبْدُ الرَّحْمَنِ ثُمَّ قُدِّرَ لَنا

أنْ نَجْتَمِعَ بِذِي الحُلَيْفَةِ و كانَتْ لأبي هُرَيْرَةَ هُنالِكَ أرْضٌ ، فقالَ عَبْدُ الرَّحْمَنِ لأبي هُرَيْرَةَ : إنِّي ذاكِرٌ لكَ أمْرًا ولوْلا مَرْوانُ أقْسَمَ عليَّ فيهِ لمْ أذْكُرْهُ لكَ ، فذَكَرَ قوْلَ عائِشَةَ و أُمِّ سَلَمَةَ فقالَ : كذَلكَ حدَّثَنِي الفَضْلُ بنُ عبَّاسٍ و هُوَ أعْلَمُ . و قالَ همَّامٌ و ابنُ عَبْدِ اللهِ بنِ عُمَرَ عنْ أبي هُرَيْرَةَ : كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ يأمُرُ بالفِطْرِ والأوَّلُ أسْنَدُ .

بابُ المُباشَرَةِ للصَّائِمِ . و قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: يَحْرُمُ عَلَيْهِ فَرْجُها . .

١٤٩ ـ حدَّثَنا سُلَيْمانُ بنُ حَرْبٍ ، عَنْ شُعْبَةَ ، عَنِ الحَكَمِ ، عَنْ إبْراهِيمَ ، عَنِ الأسْوَدِ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ : كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ يُقَبِّلُ و يُباشِرُ و هُوَ صائِمٌ و كانَ أمْلَكَكُمْ لإرْبِهِ ، و قالَ : قالَ ابنُ عبَّاسٍ : مَأرَبٌ : حاجَةٌ . قالَ طاوُسٌ : أُولِي الإرْبَةِ : الأحْمَقُ ، لا حاجَةَ لهُ في النِّساءِ و قالَ جابِرُ بنُ زَيْدٍ : إنْ نَظَرَ فأمْنَى يُتِمُّ صوْمَهُ .

بابُ القُبْلَةِ للصَّائِمِ .

١٥٠ ـ حدَّثَنا مُحَمَّدُ بنُ المُثَنَّى :

CHAPTER. To embrace while one is fasting; said ʿĀisha رضي الله عنها : "A fasting person is forbidden to have sexual intercourse."

149. Narrated ʿĀisha رضي الله عنها : The Prophet ﷺ used to kiss and embrace (his wives) while he was fasting, and he had more power to control his desires than any of you.

(The explanation of a few Arabic words not translated).

Said Jābir, "The person who gets discharge after casting a look (on his wife) should complete his fast."

CHAPTER. What is said regarding kissing by a fasting person.

150. Narrated Hishām's father :

ʿAisha ؓ said, "Allāh's Apostle ﷺ used to kiss some of his wives while he was fasting," and then she smiled.

151. Narrated Zainab, daughter of Um Salama from her mother who said, "While I was (lying) with Allāh's Apostle ﷺ underneath a woollen sheet, I got the menstruation, and then slipped away and put on the clothes (which I used to wear) in menses. He asked, "What is the matter? Did you get your menses?" I replied in the affirmative and then entered underneath that woollen sheet. I and Allāh's Apostle ﷺ used to take a bath from one waterpot and he used to kiss me while he was fasting."

CHAPTER. Taking a bath by a fasting person. Ibn ʿUmar ؓ soaked a garment in water and then put it over himself while he was fasting. Ash-Shaʿbi entered a bathroom while he was fasting. Ibn ʿAbbās said, "There is no harm in tasting the food of the pot or other meals. Al-Hasan said, "There is no harm for the

حدَّثني يحيى، عن هشام قال: أخبرني أبي، عن عائشة، عن النبيِّ صلى الله عليه وسلم ح. و حدَّثنا عبدُ الله بنُ مسلمة، عن مالك، عن هشام، عن أبيه، عن عائشة رضي الله عنها قالت: إنْ كانَ رسولُ الله صلى الله عليه وسلَّم لَيُقبِّلُ بعضَ أزواجِه و هو صائمٌ، ثمَّ ضحكتْ.

١٥١ - حدَّثنا مسدَّدٌ: حدَّثنا يحيى، عن هشام بنِ أبي عبدِ الله: حدَّثنا يحيى ابنُ أبي كثيرٍ، عن أبي سلمة، عن زينبَ ابنةِ أمِّ سلمة، عن أمِّها رضي الله عنهما قالت: بينما أنا مع رسولِ الله صلى الله عليه وسلَّم في الخميلة إذْ حِضتُ فانسللتُ فأخذتُ ثيابَ حيضتي، فقال: مالكِ؟ أنفستِ؟ قلتُ: نعم. فدخلتُ معه في الخميلة و كانت هي و رسولُ الله صلى الله عليه وسلَّم يغتسلان من إناءٍ واحدٍ و كان يقبِّلها و هو صائمٌ.

بابُ اغتسالِ الصائم. و بلَّ ابنُ عمرَ رضي الله عنهما ثوبًا فألقاه عليه و هو صائمٌ. و دخل الشعبيُّ الحمّامَ و هو صائمٌ. و قال ابنُ عبّاس: لا بأسَ أنْ يتطعَّمَ القدرَ أو الشيءَ. و قال الحسنُ: لا بأسَ بالمضمضة

fasting person to rinse his mouth with water and to cool his body." Ibn Masʿūd said, "At the night of your fasting day, you had better oil and comb your hair." Anas said, "I had a tub in which I used to sit while fasting." It is mentioned that the Prophet ﷺ cleaned his teeth with a siwak while fasting, and Ibn ʿUmar used to clean his teeth with Siwāk in the early and the late hours of the day without swallowing the resultant saliva (while fasting). Said ʿAṭā', "The swallowing of saliva does not break the fast." Ibn Sīrīn said, "There is no harm in cleaning the teeth with a green fresh Siwāk." He was told that it had taste. Ibn Sīrīn replied, "Water also has taste; yet you people rinse your mouth with it." Anas, Al-Ḥasan and Ibrāhīm did not see any harm in smearing one's eyes with Koḥl while fasting.

والتَّبَرُّدِ للصَّائمِ. و قالَ ابنُ مَسْعُودٍ: إذَا كانَ يَوْمُ صَوْمِ أحَدِكُمْ فَلْيُصْبِحْ دَهِينًا مُتَرَجِّلًا، و قالَ أنَسٌ: إنَّ لِي أبْزَنَ أتَقَحَّمُ فيهِ و أنا صائمٌ، و يُذْكَرُ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم أنَّهُ اسْتاكَ و هُوَ صائمٌ. و قالَ ابنُ عُمَرَ: و يَسْتاكُ أوَّلَ النَّهارِ و آخِرَهُ ولا يَبْلَعُ رِيقَهُ. و قالَ عَطاءٌ. إنِ ازْدَرَدَ رِيقَهُ لا أقُولُ يُفْطِرُ. و قالَ ابنُ سِيرِينَ: لا بَأْسَ بالسِّواكِ الرَّطْبِ. قِيلَ لهُ طَعْمٌ، قالَ: والماءُ لهُ طَعْمٌ و أنْتَ تُمَضْمِضُ بِهِ. ولَمْ يَرَ أنَسٌ والحَسَنُ و إبْراهِيمُ بالكُحْلِ للصَّائمِ بأسا.

152. Narrated ʿĀisha رضي الله عنها: (At times) in Ramaḍān the Prophet ﷺ used to take a bath in the morning not because of a nocturnal sexual discharge (in a dream) and would continue his fast.

١٥٢ ـ حدَّثَنا أحْمَدُ بنُ صالِحٍ: حدَّثَنا ابنُ وَهْبٍ: حدَّثَنا يُونُسُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ و أبي بَكْرٍ، قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم يُدْرِكُهُ الفَجْرُ في رَمَضانَ مِنْ غَيرِ حُلُمٍ فَيَغْتَسِلُ و يَصُومُ.

153. Narrated Abū Bakr bin ʿAbdur-Raḥmān: My father and I went to ʿĀisha رضي الله عنها and she said, "I certify that Allāh's Apostle ﷺ at times used to get up in the morning in a state of Janāba from sexual intercourse, not from a nocturnal

١٥٣ ـ حدَّثَنا إسماعيلُ قالَ: حدَّثَني مالِكٌ، عَنْ سُمَيٍّ مَوْلَى أبي بَكْرِ بنِ عَبْدِ الرَّحْمَنِ بنِ الحارِثِ بنِ هِشامِ ابنِ المُغِيرَةِ: أنَّهُ سَمِعَ أبا بَكْرِ بنَ

sexual discharge (in a dream) and then he would fast that day." Then we went to Um Salama and she also narrated a similar thing.

عَبْدِ الرَّحْمَنِ : كُنْتُ أنا و أبي فَذَهَبْتُ مَعَهُ حتَّى دَخَلْنا عَلَى عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ : أَشْهَدُ عَلَى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ إنْ كانَ لَيُصْبِحُ جُنُبًا مِنْ جِماعٍ غَيرِ احْتِلامٍ ، ثُمَّ يَصُومُهُ . ثُمَّ دَخَلْنا على أُمِّ سَلَمَةَ فَقالَتْ مِثْلَ ذلكَ .

CHAPTER. If a fasting person ate or drank forgetfully (should he fast another day in lieu of that day)?

Said ʿAṭā', "There is no harm if water goes in the throat and one is unable to bring it out while putting it in the nose and then blowing it out."

Al-Ḥasan said, "If a fly enters one's throat (while one is fasting), there is no harm in it." Al-Ḥasan and Mujāhid said, "If one has sexual intercourse forgetfully, no penalty is imposed on one."

بابُ الصَّائِمِ إذَا أكَلَ أوْ شَرِبَ ناسِيًا . و قالَ عَطاءٌ : إنِ اسْتَنْثَرَ فَدَخَلَ الماءُ فى حَلْقِهِ لا بأسَ إنْ لمْ يَمْلِكْ ، و قالَ الحَسَنُ : إنْ دَخَلَ حَلْقَهُ الذُّبابُ فَلا شَيْءَ عَلَيْهِ . و قالَ الحَسَنُ و مُجَاهِدٌ : إنْ جامَعَ ناسِيًا فَلا شَيْءَ عَلَيْهِ .

154. Narrated Abū Huraira ؓ : The Prophet ﷺ said, "If somebody eats or drinks forgetfully then he should complete his fast, for what he has eaten or drunk has been given to him by Allāh."

١٥٤ ـ حدَّثَنا عَبْدَانُ : أخبرَنا يَزِيدُ ابنُ زُرَيْعٍ : حدَّثَنا هِشامٌ : حدَّثَنا ابنُ سِيرِينَ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ قالَ : إذا نَسِيَ فأكَلَ و شَرِبَ فَلْيُتِمَّ صَوْمَهُ ، فإنَّما أطْعَمَهُ اللهُ وسَقاهُ .

CHAPTER. Dry or green Siwāk for the fasting person.

بابُ سِوَاكِ الرَّطْبِ واليابِسِ للصَّائِمِ . و يُذْكَرُ عَنْ عامِرِ بنِ رَبِيعَةَ قالَ : رَأيْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم

Narrated ʿĀmir bin Rabiʿa, "I saw the Prophet ﷺ cleaning his teeth with Siwāk while he was fasting so many times as I can't count." And narrated Abū Huraira, "The Prophet ﷺ said, 'But for my fear that it would be hard for my followers, I would have ordered them to clean their teeth with Siwāk on every performance of ablution.'" The same is narrated by Jabir and Zaid bin Khālid from the Prophet ﷺ who did not differentiate between a fasting and a non-fasting person in this respect (using Siwāk).

ʿAisha said, "The Prophet ﷺ said, 'It (i.e. Siwāk) is a purification of the mouth and it is a pleasure to Allāh.'" Said ʿAṭā̓ and Qatāda, "There is no harm in swallowing the resultant saliva."

يَسْتَاكُ وَهُوَ صَائِمٌ مَالا أُحْصِي أَوْ أَعُدُّ. وَقَالَ أَبُو هُرَيْرَةَ، عَنِ النَّبِيِّ صلى الله عليه وسلَّم. لَوْلَا أَنْ أَشُقَّ عَلَى أُمَّتِي لَأَمَرْتُهُمْ بِالسِّوَاكِ عِنْدَ كُلِّ وُضُوءٍ. وَيُرْوَى نَحْوُهُ عَنْ جَابِرٍ وَزَيْدِ بْنِ خَالِدٍ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم. وَلَمْ يَخُصَّ الصَّائِمَ مِنْ غَيْرِهِ. وَقَالَتْ عَائِشَةُ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: مَطْهَرَةٌ لِلْفَمِ، مَرْضَاةٌ لِلرَّبِّ. وَقَالَ عَطَاءٌ وَقَتَادَةُ: يَبْتَلِعُ رِيقَهُ.

155. Narrated Ḥumrān: I saw ʿUthmān ؓ performing ablution; he washed his hands thrice, rinsed his mouth and then washed his nose with water by drawing it in and then blowing it out, and washed his face thrice, and then washed his right-forearm up to the elbow thrice, and then the left-forearm up to the elbow thrice, then smeared his head with water, washed his right foot thrice, and then his left foot thrice and said, "I saw Allāh's Apostle ﷺ performing ablution similar to my present ablution, and then he said, 'Whoever performs ablution like my present ablution and then offers two Rakʿat in which he does not think of worldly things, all his previous sins will be forgiven.'"

١٥٥ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا مَعْمَرٌ قَالَ: حَدَّثَنِي الزُّهْرِيُّ، عَنْ عَطَاءِ بْنِ يَزِيدَ، عَنْ حُمْرَانَ قَالَ: رَأَيْتُ عُثْمَانَ رَضِيَ اللهُ عَنْهُ تَوَضَّأَ فَأَفْرَغَ عَلَى يَدَيْهِ ثَلَاثًا، ثُمَّ تَمَضْمَضَ وَاسْتَنْثَرَ، ثُمَّ غَسَلَ وَجْهَهُ ثَلَاثًا، ثُمَّ غَسَلَ يَدَهُ الْيُمْنَى إِلَى الْمِرْفَقِ ثَلَاثًا. ثُمَّ غَسَلَ يَدَهُ الْيُسْرَى إِلَى الْمِرْفَقِ ثَلَاثًا، ثُمَّ مَسَحَ بِرَأْسِهِ، ثُمَّ غَسَلَ رِجْلَهُ الْيُمْنَى ثَلَاثًا. ثُمَّ الْيُسْرَى ثَلَاثًا. ثُمَّ قَالَ: رَأَيْتُ رَسُولَ اللهِ صلى الله عليهِ وسلَّم تَوَضَّأَ نَحْوَ وُضُوئِي هَذَا. ثُمَّ قَالَ: مَنْ تَوَضَّأَ وُضُوئِي هَذَا ثُمَّ

يُصَلِّي رَكْعَتَيْنِ لا يُحَدِّثُ نَفْسَهُ فِيهِمَا بِشَيْءٍ إلاَّ غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ.

CHAPTER. The Statement of the Prophet ﷺ: "Whoever performs ablution should draw water in his nose and blow it out."

The Prophet ﷺ did not differentiate between the fasting and non-fasting person (in this respect). Al-Ḥasan said, "There is no harm for a fasting person to use snuff if it does not reach the throat, or to smear his eyes with Kohl."

ʿAṭāʾ said, "If a fasting person, after rinsing his mouth with water, empties his mouth of water, there is no harm, unless he swallows his saliva. And what is left in his mouth? (1) And he should not chew gum, for if he swallows his saliva, I do not say that it will break his fast, but it is disapproved and if, during the drawing of water in the nose and then blowing it out, some water enters the throat and he is unable to bring it back, there is no harm in that."

بابُ قَوْلِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: إذَا تَوَضَّأَ فَلْيَسْتَنْشِقْ بِمَنْخِرِهِ المَاءَ، ولَمْ يُمَيِّزْ بَيْنَ الصَّائِمِ وغَيْرِهِ.

وقالَ الحَسَنُ: لا بَأْسَ بالسَّعُوطِ للصَّائِمِ إنْ لَمْ يَصِلْ إلى حَلْقِهِ، ويَكْتَحِلُ.

وقالَ عَطَاءٌ: إنْ تَمَضْمَضَ ثُمَّ أفْرَغَ ما في فِيهِ مِنَ المَاءِ لا يَضِيرُهُ إنْ لَمْ يَزْدَرِدْ رِيقَهُ، وماذا بَقِيَ في فِيهِ؟ ولا يَمْضَغُ العِلْكَ فإنِ ازْدَرَدَ رِيقَ العِلْكِ لا أقُولُ إنَّهُ يُفْطِرُ ولكِنْ يُنْهَى عَنْهُ، فإنِ اسْتَنْثَرَ فَدَخَلَ المَاءُ حَلْقَهُ لا بَأْسَ لأنَّهُ لَمْ يَمْلِكْ.

CHAPTER. Whoever has a sexual intercourse in Ramaḍān, (intentionally, he has to pay expiation).

بابٌ إذا جامَعَ في رَمَضانَ، و يُذْكَرُ عَنْ أبي هُرَيْرَةَ رَفَعَهُ: مَنْ أفْطَرَ يَوْمًا مِنْ رَمَضَانَ مِنْ غَيْرِ عِلَّةٍ

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(1) The question here means: after emptying the mouth of water there is nothing left in it, so there is no harm if one swallows his saliva.

Narrated Abū Huraira from the Prophet ﷺ : "Whoever did not fast for one day of Ramaḍān without genuine excuse or a disease, then even if he fasted for a complete year, it would not compensate for that day." The same is narrated from Ibn Masʿūd.

ولاَ مَرَضٍ لمْ يَقْضِهِ صِيامُ الدَّهْرِ و إنْ صَامَهُ . و بهِ قالَ ابنُ مَسْعُودٍ . و قالَ سَعِيدُ بنُ المُسَيَّبِ ، والشَّعْبِيُّ ، وابنُ جُبَيْرٍ ، و إبْرَاهِيمُ ، و قَتَادَةُ ، و حَمَّادٌ : يَقْضِي يَوْماً مَكانَهُ .

Saʿīd bin Al-Musaiyab, Ash-Shaʿbī, Ibn Jubair, Ibrāhīm, Qatāda and Ḥammād state, "He (a fasting person) should fast one day in lieu of that missed fast."

156. Narrated ʿAisha ؓ : A man came to the Prophet ﷺ and said that he had been burnt (ruined). The Prophet ﷺ asked him what was the matter. He replied, "I had sexual intercourse with my wife in Ramaḍān." Then a baskat full of dates was brought to the Prophet ﷺ and he asked, "Where is the burnt (ruined) man?" He replied, "I am present." The Prophet ﷺ told him to give that basket in charity (as expiation).

١٥٦ ـ حدَّثَنا عَبْدُ اللهِ بنُ مُنِيرٍ : سَمِعَ يَزِيدَ بنَ هارُونَ : حدَّثَنا يَحْيَى هُوَ ابنُ سَعِيدٍ : أنَّ عَبْدَ الرَّحْمَنِ بنَ القاسِمِ أخْبَرَهُ عَنْ مُحَمَّدِ بنِ جَعْفَرِ بنِ الزُّبَيْرِ بنِ العَوَّامِ بنِ خُوَيْلِدٍ ، عَنْ عَبَّادِ بنِ عَبْدِ اللهِ بنِ الزُّبَيْرِ أخْبَرَهُ : أنَّهُ سَمِعَ عائِشَةَ رَضِيَ اللهُ عَنْها تَقُولُ : إنَّ رَجُلاً أتَى النَّبِيَّ صلى اللهُ عليهِ وسلَّم فَقالَ : إنَّهُ احْتَرَقَ . قالَ : مالكَ ؟ قالَ : أصَبْتُ أهْلِي فِي رَمَضَانَ ، فأُتِيَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم بِمِكْتَلٍ يُدْعَى العَرَقَ ، فَقالَ : أيْنَ المحْتَرِقُ ؟ قالَ : أنا ، قالَ : تَصَدَّقْ بِهَذَا .

CHAPTER. If somebody has had sexual intercourse with his wife in Ramaḍān and has got nothing, then if he is given something in charity, he should give the expiation of that sinful act.

بابٌ إذَا جامَعَ فِي رَمَضانَ ولمْ يَكُنْ لهُ شَيْءٌ فَتُصُدِّقَ عَلَيْهِ فَلْيُكَفِّرْ .

157. Narrated Abū Huraira ؓ: While we were sitting with the Prophet ﷺ a man came and said, "O Allāh's Apostle! I have been ruined." Allāh's Apostle ﷺ asked what was the matter with him. He replied, "I had sexual intercourse with my wife while I was fasting." Allāh's Apostle ﷺ asked him, "Can you afford to manumit a slave?" He replied in the negative. Allāh's Apostle ﷺ asked him, "Can you fast for two successive months?" He replied in the negative. The Prophet ﷺ asked him, "Can you afford to feed sixty poor persons?" He replied in the negative. The Prophet ﷺ kept silent and while we were in that state, a big basket full of dates was brought to the Prophet ﷺ. He asked, "Where is the questioner?" He replied, "I (am here)." The Prophet ﷺ said (to him), "Take this (basket of dates) and give it in charity." The man said, "Should I give it to a person poorer than I? By Allāh; there is no family between its (i. e. Medīna's) two mountains who are poorer than I." The Prophet ﷺ smiled so much that his molar teeth became visible and then said, "Feed your family with it."

١٥٧ ـ حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ أَنَّ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: بَيْنَمَا نَحْنُ جُلُوسٌ عِنْدَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم إِذْ جَاءَهُ رَجُلٌ فَقَالَ: يَا رَسُولَ اللهِ، هَلَكْتُ. قَالَ: مَا لَكَ؟ قَالَ: وَقَعْتُ عَلَى امْرَأَتِي وَأَنَا صَائِمٌ. فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: هَلْ تَجِدُ رَقَبَةً تُعْتِقُهَا؟ قَالَ: لا. قَالَ: فَهَلْ تَسْتَطِيعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ؟ قَالَ: لا، فَقَالَ: فَهَلْ تَجِدُ إِطْعَامَ سِتِّينَ مِسْكِينًا؟ قَالَ لا، قَالَ: فَمَكَثَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم. فَبَيْنَا نَحْنُ عَلَى ذَلِكَ أُتِيَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم بِعَرَقٍ فِيهَا تَمْرٌ. وَالْعَرَقُ: الْمِكْتَلُ. قَالَ: أَيْنَ السَّائِلُ؟ فَقَالَ: أَنَا، قَالَ: خُذْ هَذَا فَتَصَدَّقْ بِهِ. فَقَالَ الرَّجُلُ: عَلَى أَفْقَرَ مِنِّي يَا رَسُولَ اللهِ؟ فَوَاللهِ مَا بَيْنَ لابَتَيْهَا، يُرِيدُ الْحَرَّتَيْنِ، أَهْلُ بَيْتٍ أَفْقَرُ مِنْ أَهْلِ بَيْتِي. فَضَحِكَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم حَتَّى بَدَتْ أَنْيَابُهُ، ثُمَّ قَالَ: أَطْعِمْهُ أَهْلَكَ.

CHAPTER. Can a person who has had sexual intercourse (with his wife) in Ramaḍān feed his family from things given as expiation of his sin if they are needy?

بَابُ الْمُجَامِعِ فِي رَمَضَانَ، هَلْ يُطْعِمُ أَهْلَهُ مِنَ الْكَفَّارَةِ إِذَا كَانُوا مَحَاوِيجَ؟.

158. Narrated Abū Huraira ؓ: A man came to the Prophet ﷺ and said,

١٥٨ ـ حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنِ

"I had sexual intercourse with my wife in Ramaḍān." The Prophet ﷺ asked him, "Can you afford to manumit a slave?" He replied in the negative. The Prophet ﷺ asked him, "Can you fast for two successive months?" He replied in the negative. He asked him, "Can you afford to feed sixty poor persons?" He replied in the negative. (Abū Huraira added): Then a basket full of dates was brought to the Prophet ﷺ and he said (to that man), "Feed (poor people) with this by way of atonement." He said, "(Should I feed it) to poorer people than we? There is no poorer house than ours between its (Medīna's) mountains." The Prophet ﷺ said, "Then feed your family with it."

CHAPTER. Cupping (letting out blood medically) and vomiting of a fasting person.

Narrated Abū Huraira (رضي الله عنه): "If a fasting person vomits that does not break his fast, for while vomiting he expels something and does not swallow anything."

It is also mentioned from Abū Huraira that vomiting breaks the fast, but the former narration is more authentic. Ibn ᶜAbbās and ᶜIkrima said, "Fasting means to stop taking food in, not taking it out." And Ibn ᶜUmar (رضي الله عنهما) used to be cupped while he was fasting but latter on he abandoned it, and began to be cupped at night. Abū Mūsā was cupped at night. It is narrated that Saᶜd, Zaid bin Arqam and Um Salama were cupped while fasting.

الزُّهْرِيِّ، عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمَنِ، عَنْ أبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: جاءَ رَجُلٌ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم فقالَ: إنَّ الأخِرَ وَقَعَ عَلَى امْرَأَتِهِ في رَمَضَانَ. فقالَ: أتَجِدُ ما تُحَرِّرُ رَقَبَةً؟ قالَ: لا، قالَ: أفتَسْتَطِيعُ أنْ تَصُومَ شَهْرَيْنِ مُتَتابِعَيْنِ؟ قالَ: لا، قالَ: أفتَجِدُ ما تُطْعِمُ بهِ سِتِّينَ مِسْكِينا؟ قالَ: لا. قالَ: فأُتِيَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم بِعَرَقٍ فِيهِ تَمْرٌ، و هُوَ الزَّبِيلُ، قالَ: أطْعِمْ هذَا عَنْكَ. قالَ: عَلَى أحْوَجَ مِنَّا؟ ما بَيْنَ لابَتَيْها أهْلُ بَيْتٍ أحوَجُ مِنَّا. قالَ: فأطْعِمْهُ أهْلَكَ.

بابُ الحِجامَةِ والقَيْءِ للصَّائِمِ.

و قالَ لي يَحْيى بنُ صالِحٍ: حدَّثَنا مُعاوِيَةُ بنُ سَلَّامٍ: حدَّثَنا يَحْيى، عَنْ عُمَرَ بنِ الحَكَمِ بنِ ثَوْبانَ: سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: إذَا قاءَ فَلا يُفْطِرُ، إنَّما يُخْرِجُ ولا يُولِجُ. و يُذْكَرُ عَنْ أبي هُرَيْرَةَ أنَّهُ يُفْطِرُ والأوَّلُ أصَحُّ. و قالَ ابنُ عَبَّاسٍ و عِكْرِمَةُ: الصَّوْمُ مِمَّا دَخَلَ و لَيْسَ مِمَّا خَرَجَ. و كانَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما يَحْتَجِمُ و هُوَ صائِمٌ، ثُمَّ تَرَكَهُ، فَكانَ يَحْتَجِمُ باللَّيْلِ. واحْتَجَمَ أبُو مُوسَى لَيْلاً. و يُذْكَرُ عَنْ سَعْدٍ و زَيْدِ بنِ أرْقَمَ و أُمِّ سَلَمَةَ أنَّهُمْ

Bukhārī said from Um ᶜAlqama, "We used to be cupped (during fasting) in ᶜAisha's presence and she did not object. Al-Ḥasan and others narrate that the Prophet ﷺ said, "The cupping and the cupped persons break fasts on practising this operation while fasting." ᶜAiyāsh told me (Al-Bukhārī) that ᶜAbdul-Aᶜlā narrated from Yūnus from Al-Ḥasan as above. Somebody asked him, "Was that statement reported from the Prophet ﷺ?" He replied, "Yes," and then added, "Allāh knows better."

احْتَجَمُوا صِيَامًا . و قالَ بُكَيْرٌ ، عَنْ أُمِّ عَلْقَمَةَ : كُنَّا نَحْتَجِمُ عِنْدَ عائِشَةَ فَلا نُنْهَى . و يُرْوَى عَنِ الحَسَنِ عَنْ غَيْرِ واحِدٍ مَرْفُوعًا : أَفْطَرَ الحَاجِمُ والمَحْجُومُ . و قالَ لى عَيَّاشٌ : حدَّثنا عَبْدُ الأَعْلَى : حدَّثنا يُونُسُ ، عَنِ الحَسَنِ مِثْلَهُ . قِيلَ لَهُ : عَنِ النَّبِىِّ صلى الله عليهِ وسلَّم؟ قالَ : نَعَمْ . ثُمَّ قالَ : اللهُ أَعْلَمُ .

159. Narrated Ibn ᶜAbbās ؓ : The Prophet ﷺ was cupped while he was in the state of Iḥrām, and also while he was observing a fast. (1)

١٥٩ - حدَّثنا مُعَلَّى بنُ أَسَدٍ : حدَّثنا وُهَيْبٌ ، عَنْ أَيُّوبَ ، عَنْ عِكْرِمَةَ ، عَنِ ابنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما : أَنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم احْتَجَمَ و هُوَ مُحْرِمٌ و احْتَجَمَ و هُوَ صائِمٌ .

160. Narrated Ibn ᶜAbbās ؓ : The Prophet ﷺ was cupped while he was fasting.

١٦٠ - حدَّثنا أَبُو مَعْمَرٍ : حدَّثنا عَبْدُ الوارِثِ : حدَّثنا أَيُّوبُ ، عَنْ

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(1) Ḥadīth No. 159 contradicts the Ḥadīth of Al-Ḥasan. Apparently the Muslim jurists have given various interpretations to discard this contradiction: Ash-Shāfiᶜī says, "Both Ḥadīths are correct, but the one narrated by Ibn ᶜAbbās is stronger as regards its series of narrators; yet it is better to avoid cupping while fasting. But the verdict is to be taken from the Ḥadīth of Ibn ᶜAbbās. I have the knowledge that the Prophet's companions and their followers and all Muslim scholars think that cupping does not break one's fast."

Ibn Ḥazm thinks that Al-Ḥasan's Ḥadīth is invalidated by another authentic Ḥadīth narrated by Abū Saᶜīd which goes: "The Prophet ﷺ permitted cupping for a fasting person." (Fatḥ-ul-Bārī, Vol. 5, p. 79-81).

161. Narrated Thābit Al-Bunānī: Anas bin Mālik رضي الله عنه was asked whether they disliked the cupping for a fasting person. He replied in the negative and said, "Only if it causes weakness."

CHAPTER. To fast or not to fast during journeys.

162. Narrated Ibn Abī Aufā رضي الله عنه: We were in the company of Allāh's Apostle ﷺ on a journey. He said to a man, "Get down and mix Sawīq (powdered barley) with water for me." The man said, "The sun (has not set yet), (1) O Allāh's Apostle." The Prophet ﷺ again said to him, "Get down and mix Sawīq with water for me." The man again said, "O Allāh's Apostle! The sun!" The Prophet ﷺ said to him (for the third time), "Get down and mix Sawīq with water for me." The man dismounted and mixed Sawīq with water for him. The

عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: احْتَجَمَ النَّبِيُّ صلى الله عليه وسلَّم وَهُوَ صَائِمٌ.

١٦١ - حَدَّثَنَا آدَمُ بْنُ أَبِي إِيَاسٍ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ ثَابِتًا الْبُنَانِيَّ قَالَ: سُئِلَ أَنَسُ بْنُ مَالِكٍ رَضِيَ اللهُ عَنْهُ: أَكُنْتُمْ تَكْرَهُونَ الْحِجَامَةَ لِلصَّائِمِ؟ قَالَ: لا، إِلاَّ مِنْ أَجْلِ الضَّعْفِ. وَزَادَ شَبَابَةُ: حَدَّثَنَا شُعْبَةُ عَلَى عَهْدِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم.

بابُ الصَّوْمِ فِي السَّفَرِ وَالإِفْطَارِ.

١٦٢ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللهِ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ: سَمِعَ ابْنَ أَبِي أَوْفَى رَضِيَ اللهُ عَنْهُ قَالَ: كُنَّا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فِي سَفَرٍ فَقَالَ لِرَجُلٍ: انْزِلْ فَاجْدَحْ لِي. قَالَ: يَا رَسُولَ اللهِ، الشَّمْسُ. قَالَ: انْزِلْ فَاجْدَحْ لِي. قَالَ: يَا رَسُولَ اللهِ، الشَّمْسُ. قَالَ: انْزِلْ فَاجْدَحْ لِي. فَنَزَلَ فَجَدَحَ لَهُ فَشَرِبَ ثُمَّ رَمَى بِيَدِهِ هَاهُنَا، ثُمَّ قَالَ: إِذَا رَأَيْتُمُ اللَّيْلَ أَقْبَلَ مِنْ هَاهُنَا فَقَدْ أَفْطَرَ الصَّائِمُ. تَابَعَهُ جَرِيرٌ وَأَبُو بَكْرٍ

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(1) His saying: "The sun (has not set yet)" indicates that the Prophet ﷺ was fasting and the man meant that the time of Iftar (breaking the fast) was not due.

Prophet ﷺ drank it and then beckoned with his hand to one side and said, "When night falls from that side, the fasting person should break his fast."

163. Narrated ʿĀisha ؓ : Ḥamza bin ʿAmr Al-Aslamī said, "O Allāh's Apostle! I fast continuously."

164. Narrated ʿĀisha ؓ , the wife of the Prophet ﷺ : Ḥamza bin ʿAmr Al-Aslamī asked the Prophet ﷺ, "Should I fast while travelling?" The Prophet ﷺ replied, "You may fast if you wish, and you may not fast if you wish."

CHAPTER. If one fasted some days of Ramadan and then went on a journey (is it permissible for him to break his fast?).

165. Narrated Ibn ʿAbbās ؓ : Allāh's Apostle ﷺ set out for Mecca in Ramadān and he fasted, and when he reached Al-Kadīd, he broke his fast and the people (with him) broke their fast too.

(Abū ʿAbdullāh said, "Al-Kadīd is a land covered with water between ʿUsfān and Qudaid.")

ابنِ عَيَّاشٍ ، عَنِ الشَّيْبانىِّ ، عَنِ ابنِ أبى أوْفى ، قالَ : كُنْتُ مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم فى سَفَرٍ .

١٦٣ ـ حدَّثنا مُسَدَّدٌ : حدَّثنا يَحْيى ، عَنْ هِشامٍ قالَ : حدَّثَنى أبى ، عَنْ عائِشَةَ : أنَّ حَمْزَةَ بنَ عَمْرٍو الأسْلَمِىَّ قالَ : يا رَسُولَ اللهِ ، إنِّى أسْرُدُ الصَّوْمَ .

١٦٤ ـ حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ : أخبرَنا مالكٌ ، عَنْ هِشامِ بنِ عُرْوَةَ ، عَنْ أبيهِ ، عَنْ عائِشَةَ رَضِىَ اللهُ عَنْها زَوْجِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم أنَّ حَمْزَةَ ابنَ عَمْرٍو الأسْلَمِىَّ قالَ للنَّبِىِّ صلى اللهُ عليهِ وسلَّم : أأصُومُ فى السَّفَرِ ؟ و كانَ كَثيرَ الصِّيامِ ، فقالَ : إنْ شِئْتَ فَصُمْ ، و إنْ شِئْتَ فأفْطِرْ .

بابٌ إذا صامَ أيَّامًا مِنْ رَمَضانَ ثُمَّ سافَرَ .

١٦٥ ـ حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ : أخبرَنا مالكٌ ، عَنِ ابنِ شِهابٍ ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ . عَنِ ابنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم خَرَجَ إلى مَكَّةَ فى رَمَضانَ فَصامَ فلَمَّا بَلَغَ الكَدِيدَ أفْطَرَ فأفْطَرَ النَّاسُ . قالَ أبُو عَبْدِ اللهِ : والكَدِيدُ ماءٌ بَيْنَ عُسْفانَ و قُدَيْدٍ .

CHAPTER :—

166. Narrated Abū Ad-Dardā' رضي الله عنه : We set out with Allāh's Apostle ﷺ on one of his journeys on a very hot day, and it was so hot that one had to put his hand over his head because of the severity of heat. None of us was fasting except the Prophet ﷺ and Ibn Rawāḥa.

بابٌ :ـ

١٦٦ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : حدَّثَنا يَحْيى بنُ حَمْزَةَ ، عَنْ عَبْدِ الرَّحْمَنِ بنِ يَزِيدَ بنِ جابِرٍ : أنَّ إسماعِيلَ بنَ عُبَيْدِ اللهِ : حدَّثَهُ عَنْ أُمِّ الدَّرْدَاءِ ، عَنْ أبي الدَّرْداءِ رَضِيَ اللهُ عَنْهُ قالَ : خَرَجْنا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم في بَعْضِ أسْفارِهِ في يَوْمٍ حارٍ حتَّى يَضَعَ الرَّجُلُ يَدَهُ عَلى رَأسِهِ مِنْ شِدَّةِ الحَرِّ وما فِينا صائمٌ إلاَّ ما كانَ مِنَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم وابنِ رَوَاحَةَ .

CHAPTER. The saying of the Prophet ﷺ to the fasting person who was being shaded on a very hot day, "It is not righteousness that you fast on a journey."

167. Narrated Jābir bin ʿAbdullāh رضي الله عنه : Allāh's Apostle ﷺ was on a journey and saw a crowd of people, and a man was being shaded (by them). He asked, "What is the matter?" They said, "He (the man) is fasting." The Prophet ﷺ said, "It is not righteousness that you fast on a journey." (1)

بابُ قَوْلِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم لِمَنْ ظُلِّلَ عَلَيْهِ واشْتَدَّ الحَرُّ : لَيْسَ مِنَ البِرِّ الصَّوْمُ في السَّفَرِ .

١٦٧ ـ حدَّثَنا آدَمُ . حدَّثَنا شُعْبَةُ . حدَّثَنا مُحَمَّدُ بن عَبْدِ الرَّحْمَنِ الأنْصارِيُّ قالَ : سَمِعْتُ مُحَمَّدَ بنَ عَمْرِو بنِ الحَسَنِ بنِ عَلِيٍّ عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمْ قالَ : كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم في سَفَرٍ فرَأى زِحاما

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(1) The Hadiths of this chapter show that it is permissible for one to fast or break his fast while travelling. But it is recommended for a healthy strong person to fast, whereas a weak or sick person is recommended not to fast. The saying of the Prophet ﷺ , "It is not righteousness that you fast on a journey," is applicable to a particular case, i.e. when one is so weak or sick that fasting would harm him. In such case one has to break his fast, for Allāh does not like His devotees to harm themselves needlessly.

CHAPTER. The companions of the Prophet ﷺ did not censure each other for fasting or not fasting on journeys.

168. Narrated Anas bin Mālik ؓ :

We used to travel with the Prophet ﷺ and neither did the fasting persons censure those who were not fasting, nor did those who were not fasting censure the fasting ones.

CHAPTER. Whoever broke his fast on a journey (publicly) so that people might see him.

169. Narrated Ṭāwūs : Ibn ʿAbbās ؓ said, "Allāh's Apostle ﷺ set out from Medīna to Mecca and he fasted till he reached ʿUsfān, where he asked for water and raised his hand to let the people see him, and then broke the fast, and did not fast after that till he reached Mecca, and that happened in Ramaḍān."

Ibn ʿAbbās used to say, "Allāh's Apostle ﷺ (sometimes) fasted and (sometimes) did not fast during the journeys, so whoever wished to fast could fast, and whoever wished not to fast, could do so."

وَرَجُلاً قَدْ ظُلِّلَ عَلَيْهِ فَقَالَ: مَا هَذَا؟ فَقَالُوا: صَائِمٌ، فَقَالَ لَيْسَ مِنَ الْبِرِّ الصَّوْمُ فِى السَّفَرِ.

بَابٌ لَمْ يَعِبْ أَصْحَابُ النَّبِىِّ صلى اللهُ عليهِ وسلَّم بَعْضُهُمْ بَعْضًا فِى الصَّوْمِ وَالإِفْطَارِ.

١٦٨ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بنِ مَالِكٍ قَالَ: كُنَّا نُسَافِرُ مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم فَلَمْ يَعِبِ الصَّائِمُ عَلَى الْمُفْطِرِ وَلا الْمُفْطِرُ عَلَى الصَّائِمِ.

بَابُ مَنْ أَفْطَرَ فِى السَّفَرِ لِيَرَاهُ النَّاسُ.

١٦٩ - حَدَّثَنَا مُوسَى بنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ طَاوُسٍ، عَنِ ابنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا قَالَ: خَرَجَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم مِنَ الْمَدِينَةِ إِلَى مَكَّةَ فَصَامَ حَتَّى بَلَغَ عُسْفَانَ، ثُمَّ دَعَا بِمَاءٍ فَرَفَعَهُ إِلَى يَدِهِ لِيَرَاهُ النَّاسُ فَأَفْطَرَ حَتَّى قَدِمَ مَكَّةَ، وَذَلِكَ فِى رَمَضَانَ. فَكَانَ ابنُ عَبَّاسٍ يَقُولُ: قَدْ صَامَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم وَأَفْطَرَ فَمَنْ شَاءَ صَامَ وَمَنْ شَاءَ أَفْطَرَ.

CHAPTER. (The Statement of Allāh (تعالى) :—‘As for those who can fast, they had a choice either to fast or to feed a poor person for every day.’ (1) (2 : 184)

Ibn ᶜUmar and Salama bin Al-Akwaᶜ said that the above verse was cancelled by the following verse :—

‘Ramadān is the (month)
In which was sent down
The Qur’ān Guide for mankind
And clear (signs) for guidance,
And judgement (between right and wrong).
And whoever is present (at his home)
During that month should fast it,
And whoever is sick or on a journey
The prescribed period should
Be made up for by
Fasting some other days.
Allāh intends facility
For you ; He does not want
To make things difficult
For you. (He wants you)
To complete the prescribed period, and to glorify Him.
In that, He has guided you
In order that you may be thankful.
(2 : 185)

بابٌ ـ و على الَّذِينَ يُطِيقُونَهُ
فِدْيَةٌ طَعَامُ مِسْكِينٍ ـ قالَ ابنُ عُمَرَ
و سَلَمَةُ بنُ الأَكْوَعِ : نَسَخَتْهَا ـ شَهْرُ
رَمَضَانَ الَّذِي أُنْزِلَ فِيهِ ـ إلى قَوْلِهِ ـ
عَلَى ما هَدَاكُمْ و لَعَلَّكُمْ تَشْكُرُونَ ـ
و قالَ ابنُ نُمَيْرٍ : حدَّثَنا الأَعْمَشُ : حدَّثَنا
عَمْرُو بنُ مُرَّةَ : حدَّثَنا ابنُ أبي لَيْلَى :
حدَّثَنا أَصْحابُ مُحَمَّدٍ صلى اللهُ عليهِ وسلَّم :
نَزَلَ رَمَضَانُ فَشَقَّ عَلَيْهِمْ فَكانَ مَنْ
أَطْعَمَ كُلَّ يَوْمٍ مِسْكِيناً تَرَكَ الصَّوْمَ
مِمَّنْ يُطِيقُهُ، و رُخِّصَ لَهُمْ فِي ذَلِكَ
فَنَسَخَتْهَا ـ و أَنْ تَصُومُوا خَيْرٌ لَكُمْ ـ
فَأُمِرُوا بِالصَّوْمِ .

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(1) The verse is interpreted in two ways. It may mean : Those who are able to fast but do not wish to fast, should give Fidya. The scholars who interpret the verse in this way say that the permission of this verse was cancelled by another verse where all Muslims were ordered to fast. Other scholars interpret the verse as meaning : Those who are able to fast only with great difficulty like very old people or a woman who has to nurse her newly born child, etc., are permitted not to fast and give the Fidya in recompensation. Ibn ᶜUmar gives the first verdict but Ibn ᶜAbbās thinks that the second is the right one. (Fatḥ-ul-Bārī, Vol. 5, p. 90-91, Vol. 9, p. 245-247)

Narrated Ibn Abī Lailā from the companions of the Prophet Muhammad ﷺ: When fasting in Ramaḍān was prescribed, they could not endure it. So, whoever fed a poor person a day did not fast (although he had the power to fast), and was permitted to do so. Then this order was cancelled by the Verse: 'If you fast it is better for you' (2 : 184), so they were ordered to fast.

170. Narrated Nāfi': Ibn 'Umar ؓ recited the Verse: 'Feeding a poor person as Fidya' and said that the order of this Verse was cancelled.

CHAPTER. When to make up for the missed days of fasting of Ramaḍān.

Ibn 'Abbās ؓ said, "There is no harm to fast intermittently, as the Statement of Allāh ﷻ shows: '(The prescribed period should be made up for) by fasting some other days.'

Said Sa'īd bin Al-Musaiyab, "The ten days of fasting as Nawāfil (of Dhul-Ḥijja) should not be observed till the fasting in lieu of the missed days of Ramaḍān were completed."

Said Ibrāhīm, "If somebody did not fast in lieu of the missed days of Ramaḍān till the next Ramaḍān came, then he should fast the present Ramaḍān and then the missed days of the previous Ramaḍān." Ibrāhīm did not think that that person should feed the poor (as Fidya).

١٧٠ - حدثنا غياث: حدثنا الأعلى: حدثنا عبيد الله، عن نافع، عن ابن عمر رضي الله عنهما: قرأ - فدية طعام مساكين - قال: هي منسوخة.

باب متى يقضى قضاء رمضان؟

و قال ابن عباس: لا بأس أن يفرق لقول الله تعالى - فعدة من أيام أخر - و قال سعيد بن المسيب: فى صوم العشر لا يصلح حتى يبدأ برمضان، و قال إبراهيم: إذا فرط حتى جاء رمضان آخر يصومهما ولم ير عليه إطعاما، و يذكر عن أبي هريرة مرسلا، و عن ابن عباس: أنه يطعم. ولم يذكر الله الإطعام إنما قال - فعدة من أيام أخر -.

Narrated Abū Huraira indirectly from the Prophet ﷺ and Ibn ʿAbbās that he should feed the poor. But Allāh does not mention the feeding of the poor but only says: '(The prescribed period should be made up for) by fasting some other days.'

171. Narrated ʿAisha رضي الله عنها : Sometimes I missed some days of Ramaḍān, but could not fast in lieu of them except in the month of Shaʿbān." Said Yaḥyā, a sub-narrator, "She used to be busy serving the Prophet ﷺ."

١٧١ ـ حدَّثنا أحمدُ بنُ يونُسَ: حدَّثنا زُهيرٌ عنْ يحيى، عنْ أبي سلَمةَ قالَ: سمِعتُ عائشةَ رضيَ اللهُ عنها تقولُ: كانَ يكونُ عليَّ الصَّومُ منْ رمضانَ فما أستطيعُ أنْ أقضيَهُ إلاَّ فى شعبانَ. قالَ يحيى: الشُّغلُ منَ النَّبيِّ، أوْ بالنَّبيِّ صلى اللهُ عليهِ وسلَّمَ.

CHAPTER. The menstruating women should leave the fast and the prayers.

Said Abū Az-Zinād, "Very often the traditions and the facts go against the opinions, and for the Muslims there is no way out except to follow the facts and the tradition of the Prophet ﷺ, and an example of that is that a menstruating woman should fast in lieu of her missed fasts, but she is not to offer the prayers in lieu of her missed prayers."

بابُ الحائضِ تترُكُ الصَّومَ والصَّلاةَ. وقالَ أبو الزِّنادِ: إنَّ السُّننَ ووُجوهَ الحقِّ لتأتي كثيرًا على خلافِ الرَّأيِ، فما يجِدُ المسلمونَ بُدًّا منِ اتِّباعِها. منْ ذلكَ أنَّ الحائضَ تقضي الصِّيامَ ولا تقضي الصَّلاةَ.

172. Narrated Abū Saʿīd رضي الله عنه : The Prophet ﷺ said, "Isn't it true that a woman does not pray and does not fast on menstruating? And that is the defect (a loss) in her religion."

١٧٢ ـ حدَّثنا ابنُ أبي مريمَ: حدَّثنا محمَّدُ بنُ جعفرٍ قالَ: حدَّثني زيدٌ، عنْ عياضٍ، عنْ أبي سعيدٍ رضيَ اللهُ عنهُ قالَ: قالَ النَّبيُّ صلى اللهُ عليهِ وسلَّمَ: أليسَ إذا حاضتْ لمْ تُصلِّ ولمْ تصُمْ؟ فذلكَ نُقصانُ دينِها.

CHAPTER. If somebody died and should have fasted in lieu of missed days (may somebody else fast instead of him?). Said Al-Ḥasan, "If thirty men fast one day on his behalf then it will be sufficient."

بَابُ مَنْ مَاتَ وَعَلَيْهِ صَوْمٌ. وَقَالَ الْحَسَنُ: إِنْ صَامَ عَنْهُ ثَلَاثُونَ رَجُلًا يَوْمًا وَاحِدًا جَازَ.

173. Narrated ʿĀisha رضي الله عنها : Allāh's Apostle ﷺ said, "Whoever died and should have fasted in lieu of missed days, then his guardians should fast on his behalf."

١٧٣ ـ حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ مُوسَى بْنِ أَعْيَنَ: حَدَّثَنَا أَبِي، عَنْ عَمْرِو بْنِ الْحَارِثِ، عَنْ عُبَيْدِ اللَّهِ ابْنِ أَبِي جَعْفَرٍ: أَنَّ مُحَمَّدَ بْنَ جَعْفَرٍ: حَدَّثَهُ عَنْ عُرْوَةَ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ رَسُولَ اللَّهِ صلى اللهُ عليهِ وسلَّم قَالَ: مَنْ مَاتَ وَعَلَيْهِ صِيَامٌ صَامَ عَنْهُ وَلِيُّهُ. تَابَعَهُ ابْنُ وَهْبٍ عَنْ عَمْرٍو، وَرَوَاهُ يَحْيَى بْنُ أَيُّوبَ عَنِ ابْنِ أَبِي جَعْفَرٍ.

174. Narrated Ibn ʿAbbās رضي الله عنهما : A man came to the Prophet ﷺ and said, "O Allāh's Apostle! My mother died and she should have fasted one month. Shall I fast on her behalf?" The Prophet ﷺ replied in the affirmative and said, "Allāh's debts have more right to be paid."

In another narration a woman is reported to have said, "My sister died..."

Narrated Ibn ʿAbbās رضي الله عنهما : A woman said to the Prophet ﷺ, "My mother died and she had vowed to fast but she didn't fast." In another narration Ibn ʿAbbās is reported to have said, "A woman

١٧٤ ـ حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحِيمِ: حَدَّثَنَا مُعَاوِيَةُ بْنُ عَمْرٍو: حَدَّثَنَا زَائِدَةُ عَنِ الأَعْمَشِ، عَنْ مُسْلِمٍ الْبَطِينِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَقَالَ: يَا رَسُولَ اللَّهِ، إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا صَوْمُ شَهْرٍ، أَفَأَقْضِيهِ عَنْهَا؟ قَالَ: نَعَمْ، فَدَيْنُ اللَّهِ أَحَقُّ أَنْ يُقْضَى. قَالَ سُلَيْمَانُ: فَقَالَ الْحَكَمُ وَسَلَمَةُ: وَنَحْنُ جَمِيعًا جُلُوسٌ حِينَ حَدَّثَ مُسْلِمٌ بِهَذَا الْحَدِيثِ. قَالَا: سَمِعْنَا مُجَاهِدًا يَذْكُرُ هَذَا عَنِ

said to the Prophet ﷺ "My mother died while she should have fasted 15 days.' "

ابنِ عَبَّاسٍ و يَذْكُرُ عَنْ أبي خالِدٍ: حدَّثَنا الأعمَشُ، عَنِ الحَكَمِ و مُسْلِمٍ البَطِينِ و سَلَمَةَ بنِ كُهَيْلٍ، عَنْ سَعِيدِ بنِ جُبَيْرٍ. و عَطاءٍ و مُجاهِدٍ، عَنِ ابنِ عَبَّاسٍ: قالَت امْرَأَةٌ للنَّبِيِّ صلى اللهُ عليهِ وسلَّمَ: إنَّ أُخْتِي ماتَتْ. و قالَ يَحْيى و أبُو مُعاوِيَةَ، عَنِ الأعمَشِ، عَنْ مُسْلِمٍ عَنْ سَعِيدٍ، عَنِ ابنِ عَبَّاسٍ. قالَتِ امْرَأَةٌ للنَّبِيِّ صلى اللهُ عليهِ وسلَّمَ: إنَّ أمِّي ماتَتْ. و قالَ عُبَيْدُ اللهِ بنُ عَمْرٍو، عَنْ زَيْدِ بنِ أبي أُنَيْسَةَ، عَنِ الحَكَمِ، عَنْ سَعِيدِ ابنِ جُبَيْرٍ، عَنِ ابنِ عَبَّاسٍ: قالَت امْرَأَةٌ للنَّبِيِّ صلى اللهُ عليهِ وسلَّمَ إنَّ أُمِّي ماتَتْ و عَلَيْها صَوْمُ نَذْرٍ. و قالَ أبُو حَرِيزٍ: حدَّثَنا عِكْرِمَةُ عَنِ ابنِ عَبَّاسٍ: قالَتِ امْرَأَةٌ للنَّبِيِّ صلى اللهُ عليهِ وسلَّمَ: ماتَتْ أُمِّي و عَلَيْها صَوْمُ خَمْسَةَ عَشَرَ يَوْماً.

CHAPTER. When should the fasting person break his fast? And Abū Saʿid Al-Khudrī broke his fast as soon as the sun's disc set (disappeared).

بابٌ: متى يَحِلُّ فِطْرُ الصَّائِمِ؟ و أفطَرَ أبُو سَعِيدٍ الخُدْرِيُّ حِينَ غابَ قُرْصُ الشَّمْسِ.

175. Narrated ʿUmar bin Al-Khaṭṭāb رضي الله عنه: Allāh's Apostle ﷺ said, "When night falls from this side and the day vanishes from this side and the sun sets, then the fasting person should break his fast."

١٧٥ - حدَّثَنا الحُمَيْدِيُّ: حدَّثَنا سُفْيانُ: حدَّثَنا هِشامُ بنُ عُرْوَةَ قالَ: سَمِعْتُ أبي يَقُولُ: سَمِعْتُ عاصِمَ بنَ عُمَرَ بنِ الخَطَّابِ، عَنْ أبِيهِ رَضِيَ اللهُ عَنْهُ، قالَ: قالَ رَسُولُ اللهِ صلى اللهُ

176. Narrated ʿAbdullāh bin Abī Aufā رضي الله عنه : We were in the company of the Prophet ﷺ on a journey and he was fasting, and when the sun set, he addressed somebody, "O so-and-so, get up and mix Sawīq with water for us." He replied, "O Allāh's Apostle! (Will you wait) till it is evening?" The Prophet ﷺ said, "Get down and mix Sawīq with water for us." He replied, "O Allāh's Apostle! (If you wait) till it is evening." The Prophet ﷺ said again, "Get down and mix Sawīq with water for us." He replied, "It is still daytime." (1) The Prophet ﷺ said again, "Get down and mix Sawīq with water for us." He got down and mixed Sawīq for them. The Prophet ﷺ drank it and then said, "When you see night falling from this side, the fasting person should break his fast."

CHAPTER. To break the fast with the available water or anything else.

177. Narrated ʿAbdullāh bin Abī Aufā رضي الله عنه : We were travelling with Allāh's Apostle ﷺ and he was fasting, and when the sun set, he said to (someone),

عليهِ وسلَّمَ: إذا أقبَلَ اللَّيْلُ مِنْ هاهُنا وأدْبَرَ النَّهارُ مِنْ هاهُنا وغَرَبَتِ الشَّمْسُ فقَدْ أفْطَرَ الصَّائمُ.

١٧٦ ـ حدَّثَنا إسحاقُ الواسِطيُّ: حدَّثَنا خالِدٌ، عنِ الشَّيْبانيِّ، عنْ عبْدِ اللهِ ابنِ أبي أوْفى رَضِيَ اللهُ عنْهُ قالَ: كُنَّا مَعَ النَّبيِّ صلى اللهُ عليهِ وسلَّمَ في سَفَرٍ وهُوَ صائمٌ، فلَمَّا غابَتِ الشَّمْسُ قالَ لِبَعْضِ القَوْمِ: يا فُلانُ، قُمْ فاجْدَحْ لَنا، فقالَ: يا رَسُولَ اللهِ لَوْ أمْسَيْتَ، قالَ: انْزِلْ فاجْدَحْ لَنا، قالَ: يا رَسُولَ اللهِ فلَوْ أمْسَيْتَ، قالَ انْزِلْ فاجْدَحْ لَنا، قالَ: إنَّ عَلَيْكَ نَهارًا. قالَ: انْزِلْ فاجْدَحْ لَنا، فنَزَلَ فجَدَحَ لهُمْ فشَرِبَ النَّبيُّ صلى اللهُ عليهِ وسلَّمَ ثُمَّ قالَ: إذا رَأيْتُمُ اللَّيْلَ قَدْ أقْبَلَ مِنْ هاهُنا فقَدْ أفْطَرَ الصَّائمُ.

بابٌ يُفْطِرُ بِما تَيَسَّرَ مِنَ الماءِ أوْ غيرِهِ.

١٧٧ ـ حدَّثَنا مُسَدَّدٌ: حدَّثَنا عبْدُ الواحِدِ: حدَّثَنا الشَّيْبانيُّ قالَ: سَمِعْتُ عَبْدَ اللهِ بنَ أبي أوْفى رَضِيَ اللهُ

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(1) Perhaps that companion of the Prophet ﷺ thought that the sun had not set but was still hidden behind a hill or the like, or it was cloudy and thus was not sure of the setting of the sun. (Fatḥ-ul-Bārī, Vol. 5, p. 100)

"Get down and mix Sawīq with water for us." He replied, "O Allāh's Apostle! (Will you wait) till it is evening?" The Prophet ﷺ again said, "Get down and mix Sawīq with water for us." He replied, "O Allāh's Apostle! It is day-time." The Prophet ﷺ said again, "Get down and mix Sawīq with water for us." So, he got down and carried out that order. The Prophet ﷺ then said, "When you see night falling from this side, the fasting person should break his fast," and he beckoned with his finger towards the east.

عَنْهُ قالَ: سِرْنا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم و هُوَ صائِمٌ فَلَمَّا غَرَبَتِ الشَّمْسُ قالَ: انْزِلْ فاجْدَحْ لَنا، قالَ: يا رَسُولَ اللهِ لَوْ أَمْسَيْتَ، قالَ: انْزِلْ فاجْدَحْ لَنا، قالَ: يا رَسُولَ اللهِ إنَّ عَلَيْكَ نَهاراً، قالَ انْزِلْ فاجْدَحْ لَنا. فَنَزَلَ فَجَدَحَ. ثُمَّ قالَ: إذَا رَأَيتمُ اللَّيْلَ أَقْبَلَ مِنْ هاهُنا فَقَدْ أفْطَرَ الصَّائِمُ، و أشارَ بإصْبَعِهِ قِبَلَ المَشْرِقِ.

CHAPTER. To hasten the breaking of the fast.

بابُ تَعْجِيلِ الإفْطارِ.

178. Narrated Sahl bin Saʿd: Allāh's Apostle ﷺ said, "The people will remain on the right path as long as they hasten the breaking of the fast."

١٧٨ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخبَرَنا مالكٌ، عَنْ أبي حازِمٍ، عَنْ سَهْلِ ابنِ سَعْدٍ: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: لا يَزالُ النَّاسُ بِخَيْرٍ ما عَجَّلُوا الفِطْرَ.

179. Narrated Ibn Abī Aufā رضي الله عنه: I was with the Prophet ﷺ on a journey, and he observed the fast till evening. The Prophet ﷺ said to a man, "Get down and mix Sawīq with water for me." He replied, "Will you wait till it is evening?" The Prophet ﷺ said, "Get down and mix Sawīq with water for me; when you see night falling from this side, the fasting person should break his fast."

١٧٩ - حدَّثَنا أحْمَدُ بنُ يُونُسَ: حدَّثَنا أبُو بَكْرٍ، عَنْ سُلَيمانَ، عَنِ ابنِ أبي أوْفى رَضِيَ اللهُ عَنْهُ قالَ: كُنْتُ مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم في سَفَرٍ فَصامَ حتَّى أمْسَى، قالَ لِرَجُلٍ: انْزِلْ فاجْدَحْ لي، قالَ: لَوِ انْتَظَرْتَ حتَّى تُمْسِيَ، قالَ: انْزِلْ فاجْدَحْ لي، إذا رَأَيْتَ اللَّيْلَ قَدْ أقْبَلَ مِنْ هاهُنا فَقَدْ أفْطَرَ الصَّائِمُ.

CHAPTER. If somebody breaks the fast, thinking that the sun has set and then sees the sun still visible. (Should he make up for that fast?)

باب إذا أفطر في رمضان ثم طلعت الشمس.

180. Narrated Abū Usāma from Hishām bin ʿUrwa from Fāṭima: Asmāʾ bint Abī Bakr رضي الله عنها said, "We broke our fast during the lifetime of the Prophet ﷺ on a cloudy day and then the sun appeared." Hishām was asked, "Were they ordered to fast in lieu of that day?" He replied, "It had to be made up for." Maʿmar said, "I heard Hishām saying, "I don't know whether they fasted in lieu of that day or not."

١٨٠ - حدثني عبد الله بن أبي شيبة: حدثنا أبو أسامة، عن هشام بن عروة، عن فاطمة عن أسماء بنت أبي بكر رضي الله عنهما قالت: أفطرنا على عهد النبي صلى الله عليه وسلم يوم غيم ثم طلعت الشمس. قيل لهشام: فأمروا بالقضاء؟ قال: بد من قضاء؛ و قال معمر: سمعت هشاما يقول: لا أدري أقضوا أم لا.

CHAPTER. Fasting of boys. And said ʿUmar رضي الله عنه to a drunk in the month of Ramaḍān, "Woe to you! (Even) our boys are fasting (and you are drunk!)." And then he gave him the legal punishment.

باب صوم الصبيان و قال عمر رضي الله عنه لنشوان في رمضان: ويلك و صبياننا صيام. فضربه.

181. Narrated Khālid bin Dhakwān: Ar-Rubiʿ bint Muʿawadh said, "The Prophet ﷺ sent a messenger to the village of the Anṣār in the morning of the day of ʿĀshūrāʾ (10th of Muḥarram) to announce: 'Whoever has eaten something should not eat but complete the fast, and whoever is observing the fast should complete it.'" She further said, "Since then we used to fast on that day regularly and also make our boys fast. We used to make toys of wool for the boys and if anyone of

١٨١ - حدثنا مسدد: حدثنا بشر ابن المفضل عن خالد بن ذكوان، عن الربيع بنت معوذ قالت أرسل النبي صلى الله عليه وسلم غداة عاشوراء إلى قرى الأنصار: من أصبح مفطرا فليتم بقية يومه، و من أصبح صائما فليصم. قالت: فكنا نصومه بعد و نصوم صبياننا و نجعل لهم اللعبة من العهن. فإذا بكى أحدهم على

them cried for food, he was given those toys till it was the time of the breaking of the fast."

الطَّعامِ أعْطَيْناهُ ذَلِكَ حتَّى يَكُونَ عِنْدَ الإِفْطارِ .

CHAPTER. Al-Wiṣāl (i.e. to fast continuously without eating or drinking anything by day or night, may be for a day or two or more), and whoever says that there is no fast at night according to the Satement of Allāh عَزَّ وَجَلَّ : 'You should complete your fasts to the evening.'

The Prophet ﷺ forbade it (i. e. Al-Wiṣāl) out of mercy to them (Muslims) and to keep them healthy. And what is hated as regards excessive practices of worshipping.

بابُ الوِصالِ . و مَنْ قالَ لَيْسَ فى اللَّيْلِ صِيامٌ لِقَوْلِهِ عَزَّ و جَلَّ - ثُمَّ أتِمُّوا الصِّيامَ إلى اللَّيْلِ - و نَهَى النَّبِيّ صلى اللهُ عليهِ وسلَّم عَنْهُ رَحْمَةً لهُمْ و إبْقاءً عَلَيْهِمْ ، وما يُكْرَهُ مِنَ التَّعَمُّقِ .

182. Narrated Anas رضي الله عنه : The Prophet ﷺ said, "Do not practise Al-Wiṣāl (fasting continuously without breaking one's fast in the evening or eating before the following dawn)." The people said to the Prophet ﷺ, "But you practise Al-Wiṣāl?" The Prophet ﷺ replied, "I am not like any of you, for I am given food and drink spiritually (by Allāh) during the night."

١٨٢ - حدَّثَنا مُسَدَّدٌ قالَ : حدَّثَنِي يَحْيَى ، عَنْ شُعْبَةَ قالَ : حدَّثَنِي قَتادَةُ عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : لا تُواصِلُوا . قالُوا : إنَّكَ تُواصِلُ . قالَ : لَسْتُ كأحَدٍ مِنْكُمْ ، إنِّى أُطْعَمُ و أُسْقَى ، أوْ إنِّى أبِيتُ أُطْعَمُ و أُسْقَى .

183. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ forbade Al-Wiṣāl. The people said (to him), "But you practise it?" He said, "I am not like you, for I am given food and drink spiritually by Allāh."

١٨٣ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبَرَنا مالِكٌ ، عَنْ نافِعٍ ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ : نَهَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم عَنِ الوِصالِ . قالُوا : إنَّكَ تُواصِلُ : قالَ : إنِّى لَسْتُ مِثْلَكُمْ ، إنِّى أُطْعَمُ و أُسْقَى .

184. Narrated Abū Saᶜīd رضي الله عنه that he had heard the Prophet ﷺ saying, "Do not fast continuously (practise Al-Wiṣāl), and if you intend to lengthen your fast, then carry it on only till the Suḥūr (before the following dawn)." The people said to him, "But you practise (Al-Wiṣāl), O Allāh's Apostle!" He replied, "I am not similar to you, for during my sleep I have One Who makes me eat and drink spiritually."

١٨٤ ـ حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ: حَدَّثَنَا ابنُ الهَادِ، عَنْ عَبْدِ اللهِ بنِ خَبَّابٍ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللهُ عَنْهُ: أَنَّهُ سَمِعَ النَّبِيَّ صلى الله عليه وسلَّم يَقُولُ: لا تُوَاصِلُوا فَأَيُّكُمْ إذَا أَرَادَ أَنْ يُوَاصِلَ فَلْيُوَاصِلْ حَتَّى السَّحَرِ. قَالُوا: فَإِنَّكَ تُوَاصِلُ يَا رَسُولَ اللهِ، قَالَ: إِنِّي لَسْتُ كَهَيْئَتِكُمْ. إِنِّي أَبِيتُ لِي مُطْعِمٌ يُطْعِمُنِي. وَسَاقٍ يَسْقِينِ (١).

185. Narrated ᶜĀisha رضي الله عنها: Allāh's Apostle ﷺ forbade Al-Wiṣāl out of mercy to them. They said to him, "But you practise Al-Wiṣāl?" He said, "I am not similar to you, for my Lord gives me food and drink spiritually."

١٨٥ ـ حَدَّثَنَا عُثْمَانُ بنُ أَبِي شَيْبَةَ وَمُحَمَّدٌ قَالَا: أَخْبَرَنَا عَبْدَةُ، عَنْ هِشَامِ ابنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: نَهَى رَسُولُ اللهِ صلى الله عليه وسلَّم عَنِ الوِصَالِ رَحْمَةً لَهُمْ. فَقَالُوا: إِنَّكَ تُوَاصِلُ، قَالَ: إِنِّي لَسْتُ كَهَيْئَتِكُمْ. إِنِّي يُطْعِمُنِي رَبِّي وَيَسْقِينِ. قَالَ أَبُو عَبْدِ اللهِ: لَمْ يَذْكُرْ عُثْمَانُ: رَحْمَةً لَهُمْ.

CHAPTER. The punishment for the person who practises Al-Wiṣāl very often. This is narrated by Anas from the Prophet ﷺ.

باب التَّنْكِيلِ لِمَنْ أَكْثَرَ الوِصَالَ. رَوَاهُ أَنَسٌ عَنِ النَّبِيِّ صلى الله عليه وسلَّم.

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(١) قوله يسقين: فى المتن بحذف الياء فى الفرع كالمصحف العثمانى فى الشعراء، و فى بعض الأصول: يسقينى بإثباتها كقراءة يعقوب الحضرمى فى الآية، و كذا فيما سيأتى، انظر القسطلانى.

186. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ forbade Al-Wiṣāl in fasting. So, one of the Muslims said to him, "But you practise Al-Wiṣāl, O Allāh's Apostle!" The Prophet ﷺ replied, "Who amongst you is similar to me? I am given food and drink spiritually during my sleep by my Lord." So, when the people refused to stop Al-Wiṣāl (fasting continuously), the Prophet ﷺ fasted day and night continuously along with them for a day and then another day and then they saw the crescent moon (of the month of Shawwāl). The Prophet ﷺ said to them (angrily), "If it (the crescent) had not appeared, I would have made you fast for a longer period." That was as a punishment for them when they refused to stop (practising Al-Wiṣāl).

١٨٦ ـ حَدَّثَنَا أَبُو الْيَمَانِ : أَخْبَرَنَا شُعَيْبٌ ، عَنِ الزُّهْرِيِّ قَالَ : حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ : أَنَّ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ : نَهَى رَسُولُ اللهِ صلى اللهُ عليه وسلَّم عَنِ الْوِصَالِ فِى الصَّوْمِ . فَقَالَ لَهُ رَجُلٌ مِنَ الْمُسْلِمِينَ : إِنَّكَ تُوَاصِلُ يا رَسُولَ اللهِ ، قَالَ : وَأَيُّكُمْ مِثْلِي؟ إِنِّى أَبِيتُ يُطْعِمُنِى رَبِّى وَيَسْقِينِ . فَلَمَّا أَبَوْا أَنْ يَنْتَهُوا عَنِ الْوِصَالِ وَاصَلَ بِهِمْ يَوْمًا ثُمَّ يَوْمًا ثُمَّ رَأَوُا الْهِلَالَ . فَقَالُوا : لَوْ تَأَخَّرَ لَزِدْتُكُمْ ، كَالتَّنْكِيلِ لَهُمْ حِينَ أَبَوْا أَنْ يَنْتَهُوا .

187. Narrated Abū Huraira ؓ : The Prophet ﷺ said twice, "O you! Be cautious of practising Al-Wiṣāl." The people said to him, "But you practise Al-Wiṣāl?" The Prophet ﷺ replied, "My Lord gives me food and drink spiritually during my sleep. Do that amount of deeds which is within your ability."

١٨٧ ـ حَدَّثَنَا يَحْيَى : حَدَّثَنَا عَبْدُ الرَّزَّاقِ ، عَنْ مَعْمَرٍ ، عَنْ هَمَّامٍ : أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قَالَ : إِيَّاكُمْ وَالْوِصَالَ ، مَرَّتَيْنِ . قِيلَ : إِنَّكَ تُوَاصِلُ ، قَالَ : إِنِّى أَبِيتُ يُطْعِمُنِى رَبِّى وَيَسْقِينِ ، فَاكْلَفُوا مِنَ الْعَمَلِ مَا تُطِيقُونَ .

CHAPTER. Fasting continuously day and night (Al-Wiṣāl) till the time of Suḥūr (last part of night).

بابُ الْوِصَالِ إِلَى السَّحَرِ .

188. Narrated Abū Sa'īd Al-Khudrī ؓ : Allāh's Apostle ﷺ said, "Do

١٨٨ ـ حَدَّثَنَا إِبْرَاهِيمُ بْنُ حَمْزَةَ : حَدَّثَنِي ابْنُ أَبِي حَازِمٍ ، عَنْ يَزِيدَ ، عَنْ

not fast continuously day and night (practise Al-Wiṣal) and if anyone of you intends to fast continuously day and night, he should continue to the Suḥūr time." They said, "But you practise Al-Wiṣāl, O Allāh's Apostle!" The Prophet ﷺ said, "I am not similar to you; during my sleep I have One Who makes me eat and drink spiritually."

CHAPTER. If someone makes his Muslim brother break his fast (Nawāfil) by giving him an oath, the fasting person does not have to fast in lieu of it so long as giving up the fast was better for him.

189. Narrated Abū Juḥaifa: The Prophet ﷺ made a bond of brotherhood between Salmān and Abu Ad-Dardā'. Salmān paid a visit to Ad-Dardā' and found Um Ad-Dardā' dressed in shabby clothes and asked her why she was in that state. She replied, "Your brother Abū Ad-Dardā' is not interested in the luxuries of this world." In the meantime Abū Ad-Dardā' came and prepared a meal for Salmān. Salmān requested Abū Ad-Dardā' to eat (with him), but Abū Ad-Dardā' said, "I am fasting." Salmān said, "I will not eat unless you eat." So, Abū Ad-Dardā' ate (with Salmān). When it was night and (apart of the night passed), Abū Ad-Dardā' got up (to offer the night prayer), but Salmān told him to sleep and Abū Ad-Dardā' slept. After sometime Abū Ad-Dardā'

عَبْدُ اللهِ بْنِ خَبَّابٍ ، عَنْ أَبِي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ : أَنَّهُ سَمِعَ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم يَقُولُ : لا تُوَاصِلُوا ، فأَيُّكُمْ أَرَادَ أَنْ يُوَاصِلَ فَلْيُوَاصِلْ حتَّى السَّحَرِ. قالُوا: فإنَّكَ تُوَاصِلُ يا رَسُولَ اللهِ ، قالَ : لَسْتُ كَهَيْئَتِكُمْ ، إنِّى أَبِيتُ لى مُطْعِمٌ يُطْعِمُنِى وساقٍ يَسْقِينِ.

باب مَنْ أَقْسَمَ عَلَى أَخِيهِ لِيُفْطِرَ فى التَّطَوُّعِ ، ولَمْ يَرَ عَلَيْهِ قَضَاءً إذَا كَانَ أَوْفَقَ لَهُ.

١٨٩ - حدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ : حدَّثَنا جَعْفَرُ بنُ عَوْنٍ : حدَّثَنا أبو العُمَيْسِ ، عَنْ عَوْنِ بنِ أبي جُحَيْفَةَ ، عَنْ أبِيهِ قالَ : آخَى النَّبِيُّ صلى اللهُ عليه وسلَّم بَيْنَ سَلْمانَ و أبي الدَّرْدَاءِ. فزَارَ سَلْمانُ أبا الدَّرْدَاءِ ، فرَأَى أُمَّ الدَّرْدَاءِ مُتَبَذِّلَةً ، فقالَ لها: ما شَأْنُكِ ؟ قالَتْ : أَخُوكَ أبُو الدَّرْدَاءِ لَيْسَ لَهُ حاجَةٌ فى الدُّنْيا . فجاءَ أبُو الدَّرْدَاءِ فَصَنَعَ لَهُ طَعاما فقالَ : كُلْ ، قالَ فإنِّى صائِمٌ ، قالَ :: ما أنا بآكِلٍ حتَّى تأكُلَ . قالَ : فأَكَلَ ، فلَمَّا كانَ اللَّيْلُ ذَهَبَ أبُو الدَّرْدَاءِ يَقُومُ ، قالَ : نَمْ . فنامَ ثُمَّ ذَهَبَ يَقُومُ فقالَ : نَمْ . فلَمَّا كانَ

again got up but Salmān told him to sleep. When it was the last hours of the night, Salmān told him to get up then, and both of them offered the prayer. Salmān told Abū Ad-Dardā', "Your Lord has a right on you, yourself (body) has a right on you, and your family has a right on you; so give the rights of each of those." Abū Ad-Dardā' came to the Prophet ﷺ and narrated the whole story. The Prophet ﷺ said, "Salmān has spoken the truth."

مِنْ آخِرِ اللَّيْلِ قَالَ سَلْمَانُ: قُمِ الآنَ. فَصَلَّيَا. فَقَالَ لَهُ سَلْمَانُ: إِنَّ لِرَبِّكَ عَلَيْكَ حَقًّا، وَلِنَفْسِكَ عَلَيْكَ حَقًّا، وَلأَهْلِكَ عَلَيْكَ حَقًّا. فَأَعْطِ كُلَّ ذِي حَقٍّ حَقَّهُ، فَأَتَى النَّبِيَّ صلى اللهُ عليه وسلَّم فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: صَدَقَ سَلْمَانُ.

CHAPTER. Fasting in the month of Shaʿbān.

بَابُ صَوْمِ شَعْبَانَ.

190. Narrated ʿAisha رضي الله عنها: Allāh's Apostle ﷺ used to fast so much so that one would say that he would not leave fasting, and used to leave fasting so long that one would say that he would never fast. I never saw Allāh's Apostle ﷺ fasting for a whole month except the month of Ramaḍān, and did not see him fasting in any month more than in the month of Shaʿbān.

١٩٠ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي النَّضْرِ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: كَانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم يَصُومُ حَتَّى نَقُولَ لا يُفْطِرُ، وَيُفْطِرُ حَتَّى نَقُولَ لا يَصُومُ. فَمَا رَأَيْتُ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم اسْتَكْمَلَ صِيَامَ شَهْرٍ إِلاَّ رَمَضَانَ وَمَا رَأَيْتُهُ أَكْثَرَ صِيَامًا مِنْهُ فِي شَعْبَانَ.

191. Narrated ʿAisha رضي الله عنها: The Prophet ﷺ never fasted in any month more than in the month of Shaʿbān. He used to say, "Do those deeds which you can do easily, as Allāh will not get tired (of giving rewards) till you get bored and tired (of performing religious rites)." The most beloved prayer to the Prophet ﷺ was the one that was done regularly

١٩١ - حَدَّثَنَا مُعَاذُ بنُ فَضَالَةَ: حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ: أَنَّ عَائِشَةَ رَضِيَ اللهُ عَنْهَا حَدَّثَتْهُ قَالَتْ: لَمْ يَكُنِ النَّبِيُّ صلى اللهُ عليه وسلَّم يَصُومُ شَهْرًا أَكْثَرَ مِنْ شَعْبَانَ، وَكَانَ يَقُولُ: خُذُوا مِنَ العَمَلِ مَا تُطِيقُونَ، فَإِنَّ اللهَ لا يَمَلُّ حَتَّى تَمَلُّوا.

(througout the life) even if it were little. And whenever the Prophet ﷺ offered a prayer he used to offer it regularly.

CHAPTER. What is narrated about the periods in which the Prophet ﷺ used to fast or not to fast.

192. Narrated Ibn ʿAbbās رضي الله عنهما : The Prophet ﷺ did not fast a full month except the month of Ramaḍān, and he used to fast till one could say, "By Allāh, he will never stop fasting," and he would abandon fasting till one would say, "By Allāh, he will never fast."

193. Narrated Anas رضي الله عنه : Allāh's Apostle ﷺ used to leave fasting in a certain month till we thought that he would not fast in that month, and he used to fast in another month till we thought that he would not stop fasting at all in that month. And if one wanted to see him praying at night, one could see him in that condition, and if one wanted to see him sleeping at night, one could see him in that condition too.

194. Narrated Ḥumaid: I asked Anas رضي الله عنه about the fasting of the Prophet ﷺ . He said, "Whenever I liked to see the Prophet ﷺ fasting in

و أَحَبُّ الصَّلَاةِ إِلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم مادُووِمَ عَلَيْهِ وَإِنْ قَلَّتْ. و كانَ إذَا صَلَّى صَلَاةً دَاوَمَ عَلَيْهَا.

بابُ ما يُذْكَرُ مِنْ صَوْمِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم وَإِفْطَارِهِ.

١٩٢ - حدَّثنا مُوسَى بنُ إسماعِيلَ: حدَّثنا أبُو عَوَانَةَ، عَنْ أبي بِشْرٍ، عَنْ سَعِيدِ بنِ جُبَيْرٍ، عَنِ ابنِ عَبَّاسٍ قالَ: ماصَامَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم شَهْرًا كامِلًا قَطُّ غَيْرَ رَمَضَانَ. و يَصُومُ حتَّى يَقُولَ القائِلُ: لا واللهِ لا يُفْطِرُ. و يُفْطِرُ حتَّى يَقُولَ القائِلُ: لا واللهِ لا يَصُومُ.

١٩٣ - حدَّثني عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ قالَ: حدَّثني مُحَمَّدُ بنُ جَعْفَرٍ، عَنْ حُمَيْدٍ: أنَّهُ سَمِعَ أنَسًا رَضِيَ اللهُ عَنْهُ يَقُولُ: كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يُفْطِرُ مِنَ الشَّهْرِ حتَّى نَظُنَّ أنْ لا يَصُومَ مِنْهُ، و يَصُومُ حتَّى نَظُنَّ أنْ لا يُفْطِرَ مِنْهُ شَيْئًا. و كانَ لا تَشَاءُ تَرَاهُ مِنَ اللَّيْلِ مُصَلِّيًا إلاَّ رَأَيْتَهُ، ولا نائمًا إلاَّ رَأَيْتَهُ. و قالَ سُلَيْمانُ، عَنْ حُمَيْدٍ: أنَّهُ سَأَلَ أنَسًا فى الصَّوْمِ.

١٩٤ - حدَّثني مُحَمَّدٌ: أخْبَرَ نا أبُو خالِدٍ الأحْمَرُ: أخْبَرَ نا حُمَيْدٌ قالَ: سَأَلْتُ أنَسًا رَضِيَ اللهُ عَنْهُ عَنْ صِيامِ

any month, I could see that, and whenever I liked to see him not fasting, I could see that too, and if I liked to see him praying in any night, I could see that, and if I liked to see him sleeping, I could see that, too." Anas further said, "I never touched silk or velvet softer than the hand of Allāh's Apostle ﷺ, and never smelled musk or perfumed smoke more pleasant than the smell of Allāh's Apostle ﷺ."

النَّبِيَّ صلى اللهُ عليه وسلَّم فقَالَ: ما كُنْتُ أُحِبُّ أنْ أرَاهُ مِنَ الشَّهْرِ صَائماً إلاَّ رَأَيْتُهُ، ولا مُفْطِراً إلاَّ رَأيْتُه. ولا مِنَ اللَّيْلِ قائماً إلاَّ رَأيْتُهُ، ولا نائماً إلاَّ رَأيْتُهُ. ولا مَسِسْتُ خَزَّةً ولا حَرِيرَةً ألْيَنَ مِنْ كَفِّ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، ولا شَمِمْتُ مِسْكَةً ولا عَبِيرَةً أطْيَبَ رَائحَةً مِنْ رَائحَةِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم.

CHAPTER. The right of the guest in fasting.

بابُ حَقِّ الضَّيْفِ فى الصَّوْمِ.

195. Narrated Abū Salama: ʿAbdullāh bin ʿAmr bin Al-ʿĀs رضي الله عنهما said, "Once Allāh's Apostle ﷺ came to me," and then he narrated the whole narration, i. e. your guest has a right on you, and your wife has a right on you. I then asked about the fasting of David عليه السلام. The Prophet ﷺ replied, "Half of the year."

١٩٥ ـ حدَّثنا إسحَاقُ: أخبرَنا هارُونُ ابنُ إسمَاعِيلَ: حدَّثنا عليٌّ: حدَّثنا يحْيى قالَ: حدَّثني أبو سلَمَةَ قالَ: حدَّثني عبْدُ اللهِ بنُ عمْرِو بنِ العاصِ رَضِيَ اللهُ عنْهُما، قالَ: دَخَلَ عَلَيَّ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم، فذَكَرَ الحدِيثَ. يعْني إنَّ لِزَوْرِكَ علَيْكَ حقًّا، وإنَّ لِزَوْجِكَ علَيْكَ حقًّا. فقُلْتُ: وما صَوْمُ دَاوُدَ؟ قالَ: نِصْفُ الدَّهْرِ.

CHAPTER. The right of the body in fasting.

بابُ حَقِّ الجِسْمِ فى الصَّوْمِ.

196. Narrated ʿAbdullāh bin ʿAmr bin Al-ʿĀs رضي الله عنهما: Allāh's Apostle ﷺ said to me, "O ʿAbdullāh! I have been informed that you are fasting during the day and offering the prayers all the night."

١٩٦ ـ حدَّثنا ابنُ مقاتِلٍ: أخبرَنا عبْدُ اللهِ: أخبرَنا الأوْزَاعِيُّ قالَ: حدَّثني يحْيى بنُ أبي كثِيرٍ، قالَ: حدَّثني ابنُ أبي سلَمَةَ بنُ عبْدِ الرَّحمنِ، قالَ:

ʿAbdullāh replied, "Yes, O Allāh's Apostle!" The Prophet ﷺ said, "Don't do that; fast sometimes and do not fast other times, offer prayers and also sleep at night, as your body has a right on you, and your wife has a right on you, and your guest has a right on you. And it is sufficient for you to fast three days in a month, as the reward of good deeds is multiplied ten times, so it will be like fasting throughout the year." I insisted (on fasting) and so I was given a hard instruction. I said, "O Allāh's Apostle! I have power." The Prophet ﷺ said, "Fast like the fasting of the Prophet David عليه السلام and do not fast more than that." I said, "How was the fasting of the Prophet of Allāh, David عليه السلام?" He said, "Half of the year."

Afterwards when ʿAbdullāh became old, he used to say, "It would have been better for me if I had accepted the permission of the Prophet ﷺ (which he gave me i.e. to fast only three days a month)."

حدَّثني عبدُ اللهِ بنُ عمرِو بنِ العاص رَضِيَ اللهُ عنهُما ، قالَ لي رسولُ اللهِ صلى اللهُ عليهِ وسلَّم : يا عبدَ اللهِ ، ألمْ أُخْبَرْ أنَّكَ تصومُ النَّهارَ و تقومُ اللَّيْلَ ؟ فقُلْتُ : بلى يا رسولَ اللهِ ، قالَ : فلا تفعَلْ ، صُمْ و أفْطِرْ ، وقُمْ ونَمْ ، فإنَّ لِجَسَدِكَ عليكَ حقًّا ، و إنَّ لِعَيْنَيْكَ عليكَ حقًّا ، و إنَّ لِزَوْجِكَ عليكَ حقًّا ، و إنَّ لِزَوْرِكَ عليكَ حقًّا . و إنَّ بِحَسْبِكَ أنْ تصومَ كُلَّ شهرٍ ثلاثةَ أيَّامٍ فإنَّ لكَ بِكُلِّ حسَنَةٍ عشْرَ أمْثالِها ، فإذَنْ ذلكَ صيامُ الدَّهْرِ كُلِّهِ ، فشَدَّدْتُ فشُدِّدَ عليَّ . قُلْتُ : يا رسولَ اللهِ ، إنِّي أجِدُ قُوَّةً . قالَ : فصُمْ صيامَ نبِيِّ اللهِ داوُدَ عليهِ السَّلامُ ، ولا تزِدْ عليهِ . قُلْتُ : وما كانَ صيامُ نبِيِّ اللهِ داوُدَ عليهِ السَّلامُ ؟ قالَ : نِصْفَ الدَّهْرِ . و كانَ عبدُ اللهِ يقولُ بعْدَ ما كَبِرَ : يا ليْتَني قبِلْتُ رُخْصَةَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم .

CHAPTER. Fasting daily throughout the life.

بابُ صومِ الدَّهرِ .

197. Narrated ʿAbdullāh bin ʿAmr رضي الله عنهما : Allāh's Apostle ﷺ was informed that I had taken an oath to fast daily and to pray all the night throughout my life (so Allāh's Apostle ﷺ came to know it and asked

١٩٧ ـ حدَّثنا أبو اليمانِ : أخبرَنا شُعَيْبٌ ، عنِ الزُّهْرِيِّ قالَ : أخبرَني سعيدُ بنُ المُسَيَّبِ و أبو سلَمَةَ بنُ عبدِ الرَّحمنِ : أنَّ عبدَ اللهِ بنَ عمرٍو

me whether it was correct); I replied, "Let my parents be sacrificed for you! I said so." The Prophet ﷺ said, "You do not have the power to do it. So, fast at times and do not fast at other times, pray and sleep. Fast three days a month as the reward of good deeds is multiplied ten times and that will be equal to one-year fasting." I replied, "I can do better than that." The Prophet ﷺ said to me, "Fast one day and give up fasting for two days." I replied, "I can do better than that." The Prophet ﷺ said, "Then fast a day and give up fasting for a day and that is the fasting of Prophet David عليه السلام and that is the best fasting." I said, "I have the power to fast better (more) than that." The Prophet ﷺ said, "There is no better fasting than that."

قَالَ: أُخْبِرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أَنِّى أَقُولُ وَاللهِ لأَصُومَنَّ النَّهَارَ ولأَقُومَنَّ اللَّيْلَ مَا عِشْتُ. فَقُلْتُ لَهُ: قَدْ قُلْتُهُ بِأَبِى أَنْتَ وَأُمِّى. قَالَ: فَإِنَّكَ لا تَسْتَطِيعُ ذَلِكَ فَصُمْ وَأَفْطِرْ، وَقُمْ وَنَمْ، وَصُمْ مِنَ الشَّهْرِ ثَلاثَةَ أَيَّامٍ فَإِنَّ الحَسَنَةَ بِعَشْرِ أَمْثَالِهَا، وَذَلِكَ مِثْلُ صِيَامِ الدَّهْرِ. قُلْتُ: إِنِّى أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ. قَالَ: فَصُمْ يَوْمًا وَأَفْطِرْ يَوْمَيْنِ. قُلْتُ: إِنِّى أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ، قَالَ: فَصُمْ يَوْمًا وَأَفْطِرْ يَوْمًا، فَذَلِكَ صِيَامُ دَاوُدَ عَلَيْهِ السَّلامُ وَهُوَ أَفْضَلُ الصِّيَامِ. فَقُلْتُ: إِنِّى أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ، فَقَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: لا أَفْضَلَ مِنْ ذَلِكَ.

CHAPTER. The right of the family (wife) in fasting. This is narrated by Abū Juhaifa from the Prophet ﷺ.

بابٌ حَقِّ الأَهْلِ فِى الصَّوْمِ: رَوَاهُ أَبُو جُحَيْفَةَ عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم.

198. Narrated ʿAbdullāh bin ʿAmr رضي الله عنهما: The news of my daily fasting and praying throughout the night reached the Prophet ﷺ. So he sent for me or I met him, and he said, "I have been informed that you fast everyday and pray (all the night). Fast (for some days) and give up fasting (for some other days); pray and sleep, for your eyes have a right on you, and your body and your family (i.e. wife) have a right on you." I replied,

١٩٨ - حَدَّثَنَا عَمْرُو بْنُ عَلِىٍّ: أَخْبَرَنَا أَبُو عَاصِمٍ، عَنِ ابْنِ جُرَيْجٍ، سَمِعْتُ عَطَاءً أَنَّ أَبَا العَبَّاسِ الشَّاعِرَ أَخْبَرَهُ: أَنَّهُ سَمِعَ عَبْدَ اللهِ بْنَ عَمْرٍو، رَضِىَ اللهُ عَنْهُمَا بَلَغَ النَّبِىَّ أَنِّى أَسْرُدُ الصَّوْمَ، وَأُصَلِّى اللَّيْلَ. فَإِمَّا لَقِيتُهُ فَقَالَ: أَلَمْ أُخْبَرْ أَنَّكَ تَصُومُ وَلا تُفْطِرُ وَتُصَلِّى؟ فَصُمْ وَأَفْطِرْ وَقُمْ وَنَمْ. فَإِنَّ لِعَيْنَيْكَ

"I have the power for that (fasting)." The Prophet ﷺ said, "Then fast like the fasts of (the Prophet) David ؑ." I said, "How?" He replied, "He used to fast on alternate days, and he used not to flee on meeting the enemy." I said, "From where can I get that chance?" (ʿAṭā said, "I do not know how the expression of 'fasting for ever' occured.") So, the Prophet ﷺ said twice, "Whoever fasts for ever does not fast at all."

CHAPTER. Fasting on alternative days.

199. Narrated Mujāhid from ʿAbdullāh bin ʿAmr ؓ: The Prophet ﷺ said (to ʿAbdullāh), "Fast three days a month." ʿAbdullāh said, (to the Prophet ﷺ), "I am able to fast more than that." They kept on arguing on this matter till the Prophet ﷺ said, "Fast on alternate days, and recite the whole Qurʾān once a month." ʿAbdullāh said, "I can recite more (in a month)," and the argument went on till the Prophet ﷺ said, "Recite the Qurʾān once each three days." (i. e. you must not recite the whole Qurʾān in less than three days).

CHAPTER. The fasting of David ؑ

200. Narrated ʿAbdullāh bin ʿAmr bin Al-ʿĀṣ ؓ: The Prophet ﷺ said to me, "You fast all the year and pray all the night?" I replied in the

عَلَيْكَ حَظًّا ، و إنّ لِنَفْسِكَ و أهْلِكَ عَلَيْكَ حَظًّا . قالَ: إنّى لأقْوَى لِذَلِكَ ، قالَ: فَصُمْ صِيامَ داوُدَ عَلَيْهِ السَّلامُ . قالَ: و كَيْفَ ؟ قالَ: كانَ يَصُومُ يَوْمًا و يُفْطِرُ يَوْمًا، ولا يَفِرُّ إذا لاقَى. قالَ: مَنْ لى بِهٰذِهِ يا نَبِىَّ اللهِ ؟ قالَ عَطاءٌ: لا أدْرِى كَيْفَ ذَكَرَ صِيامَ الأبَدِ ؟ قالَ النَّبِىُّ صلى اللهُ عليه وسلّم : لا صامَ مَنْ صامَ الأبَدَ مرَّتَيْنِ .

بابُ صَوْمِ يَوْمٍ و إفْطارِ يَوْمٍ .

١٩٩ ـ حدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ . حدَّثَنا غُنْدَرٌ : حدَّثَنا شُعْبَةُ ، عَنْ مُغِيرَةَ قالَ: سَمِعْتُ مُجاهِدًا ، عَنْ عَبْدِ اللهِ بنِ عَمْرٍو رَضِىَ اللهُ عَنْهُما ، عَنِ النَّبِىِّ صلى اللهُ عليه وسلّم قالَ: صُمْ مِنَ الشَّهْرِ ثَلاثَةَ أيّامٍ . قالَ: أُطِيقُ أكْثَرَ مِنْ ذلِكَ، فَما زالَ حتّى قالَ: صُمْ يَوْمًا و أفْطِرْ يَوْمًا ، فَقالَ: اقْرَأِ القُرْآنَ فى كُلِّ شَهْرٍ ، قالَ: إنّى أُطِيقُ أكْثَرَ مِنْ ذَلِكَ، فَما زالَ حتّى قالَ فى ثَلاثٍ .

بابُ صَوْمِ داوُدَ عَلَيْهِ السَّلامُ .

٢٠٠ ـ حدَّثَنا آدَمُ : حدَّثَنا شُعْبَةُ : حدَّثَنا حَبِيبُ بنُ أبى ثابِتٍ قالَ: سَمِعْتُ أبا العَبّاسِ المَكِّىَّ ، و كانَ شاعِرًا. و كانَ

affirmative. The Prophet ﷺ said, "If you keep on doing this, your eyes will become weak and your body will get tired. He who fasts all the year is as if he did not fast at all. The fasting of three days (a month) will be equal to the fasting of the whole year." I replied, "I have the power for more than this." The Prophet ﷺ said, "Then fast like the fasting of David عليه السلام who used to fast on alternate days and would never flee from the battle field."

لا يُتَّهَمُ فى حديثِهِ ، قالَ : سَمِعْتُ عَبْدَ اللهِ ابْنَ عَمْرِو بْنِ العاصِ رَضِىَ اللهُ عَنْهُما قالَ : قالَ لى النَّبِىُّ صلى اللهُ عليهِ وسلَّم : إنَّكَ لَتَصُومُ الدَّهْرَ ، و تَقُومُ اللَّيْلَ ، فَقُلْتُ : نَعَم . قالَ إنَّكَ إذَا فَعَلْتَ ذلكَ هَجَمَتْ لهُ العَيْنُ ، و نَفِهَتْ لهُ النَّفْسُ . لا صَامَ مَنْ صَامَ الدَّهرَ : صَوْمُ ثَلاثَةِ أيَّامٍ صَوْمُ الدَّهرِ كُلِّهِ ، قُلْتُ : فإنى أُطِيقُ أكثرَ مِنْ ذلكَ . قالَ : فَصُمْ صَوْمَ دَاوُدَ عَلَيْهِ السَّلامُ ، كانَ يَصُومُ يَوْمًا و يُفْطِرُ يَوْمًا ، ولا يَفِرُّ إذَا لاقَى .

201. Narrated ʿAbdullāh bin ʿAmr رضي الله عنه : Allāh's Apostle ﷺ was informed about my fasts, and he came to me and I spread for him a leather cushion stuffed with palm fibres, but he sat on the ground and the cushion remained between me and him, and then he said, "Isn't it sufficient for you to fast three days a month?" I replied, "O Allāh's Apostle! (I can fast more)." He said, "Five?" I replied, "O Allāh's Apostle! (I can fast more)." He said, "Seven?" I replied, "O Allāh's Apostle! (I can fast more)." He said, "Nine (days per month)?" I replied, "O Allāh's Apostle! (I can fast more)" He said, "Eleven (days per month)?" And then the Prophet ﷺ said, "There was no fast superior to that of the Prophet David عليه السلام ; it was for half of the year. So, fast on alternate days."

٢٠١ ـ حدَّثنا إسحاقُ بنُ شاهينَ الوَاسِطِىُّ : حدَّثنا خالدُ بنُ عَبْدِ اللهِ ، عَنْ خالدٍ الحذاءِ ، عَنْ أبى قِلابةَ قالَ : أخبرَنى أبُو المَلِيحِ قالَ : دَخَلْتُ مَعَ أبيكَ عَلَى عَبْدِ اللهِ بنِ عَمْرٍو ، فَحدَّثنا أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم ذُكِرَ لهُ صَوْمِى ، فَدَخَلَ عَلَىَّ فألْقَيْتُ لهُ وِسادَةً مِنْ أَدَمٍ حَشْوُها لِيفٌ فَجَلَسَ عَلَى الأرْضِ ، و صارَتِ الوِسادَةُ بَيْنِى و بَيْنَهُ . فَقالَ : أما يَكْفِيكَ مِنْ كُلِّ شَهْرٍ ثَلاثَةُ أيَّامٍ ؟ قالَ : قُلْتُ : يا رَسُولَ اللهِ ، قالَ : خَمْسًا . قُلْتُ : يا رَسُولَ اللهِ ، قالَ : سَبْعًا ، قُلْتُ : يا رَسُولَ اللهِ ، قالَ : تِسْعًا ، قُلْتُ : يا رَسُولَ اللهِ ، قالَ : إحْدَى عَشْرَةَ . ثُمَّ قالَ النَّبِىُّ

صلى اللهُ عليهِ وسلَّم لا صَوْمَ فَوْقَ صَوْمِ دَاوُدَ عَلَيْهِ السَّلامُ، شَطْرُ الدَّهْرِ صُمْ يَوْماً و إفْطِرْ يَوْماً .

CHAPTER. To fast the three days on the nights preceding which the moon shines all the night, i. e. 13th, 14th and the 15th of the lunar months.

باب صِيامِ البِيضِ ثَلاثَ عَشْرَةَ، و أرْبَعَ عَشْرَةَ، و خَمْسَ عَشْرَةَ .

202. Narrated Abū Huraira ؓ : My dear friend (the Prophet ﷺ) advised me to observe three things :—

to fast three days a month ;

to pray two Rakʿat of Ḍuḥā prayer (fore-noon prayer) ; and

to pray Witr before sleeping.

٢٠٢ ـ حدَّثَنا أبُو مَعْمَرٍ : حدَّثَنا عَبْدُ الوَارِثِ : حدَّثَنا أبُو التَّيَّاحِ قالَ : حدَّثَنِى أبُو عُثْمانَ ، عَنْ أبى هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ : أوْصانى خَلِيلى صلى اللهُ عليهِ وسلَّم بِثَلاثٍ : صِيامِ ثَلاثَةِ أيَّامٍ مِنْ كُلِّ شَهْرٍ ، و رَكْعَتَىِ الضُّحَى ، و أنْ أُوتِرَ قَبْلَ أنْ أنامَ .

CHAPTER. Whoever visited some people and did not break his (optional) fast with them.

باب مَنْ زارَ قَوْماً فَلَمْ يُفْطِرْ عِنْدَهُمْ .

203. Narrated Anas ؓ : The Prophet ﷺ paid a visit to Um-Sulaim and she placed before him dates and ghee. The Prophet ﷺ said, "Replace the ghee and dates in their respective containers for I am fasting." Then he stood somewhere in her house and offered an optional prayer and then he invoked good on Um-Sulaim and her family. Then Um-Sulaim said, "O Allāh's Apostle ! I have a special request (today)." He said, "What is it ?" She replied, "(Please invoke for) your servant Anas." So

٢٠٣ ـ حدَّثَنا مُحَمَّدُ بنُ المُثَنَّى قالَ : حدَّثَنِى خالِدٌ هُوَ ابنُ الحارِثِ : حدَّثَنا حُمَيْدٌ ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ : دَخَلَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم عَلَى أُمِّ سُلَيْمٍ فأتَتْهُ بِتَمْرٍ و سَمْنٍ قالَ : أعِيدُوا سَمْنَكُمْ فى سِقائِهِ ، و تَمْرَكُمْ فى وِعائِهِ فإنِّى صائِمٌ . ثُمَّ قامَ إلى ناحِيَةٍ مِنَ البَيْتِ فَصَلَّى غَيْرَ المَكْتُوبَةِ ، فَدَعا لأُمِّ سُلَيْمٍ و أهْلِ بَيْتِها ، فَقالَتْ أُمُّ سُلَيْمٍ : يا رَسُولَ اللهِ ، إنَّ لى خُوَيْصَّةً ،

Allāh's Apostle ﷺ did not leave anything good in the world or the Hereafter which he did not invoke (Allāh to bestow) on me and said, "O Allāh! Give him (i.e. Anas) property and children and bless him." Thus I am one of the richest among the Anṣār and my daughter Umaina told me that when Al-Ḥajjāj came to Baṣra, more than 120 of my offspring had been buried.

قالَ: ما هِيَ؟ قالَتْ: خادِمُكَ أنَسٌ، فَما تَرَكَ خَيْرَ آخِرَةٍ ولا دُنْيا إلاَّ دَعا لي بِهِ: اللَّهُمَّ ارْزُقْهُ مالاً و ولَدًا و بارِكْ لَهُ، فإنِّي لَمِنْ أكْثَرِ الأنْصارِ مالاً. و حدَّثَتْني ابْنَتي أُمَيْنَةُ أنَّهُ دُفِنَ لِصُلْبي مَقْدَمَ حَجَّاجٍ البَصْرَةَ بِضْعٌ و عِشْرُونَ و مائةٌ. قالَ ابنُ أبي مَرْيَمَ: أخْبَرَنا يَحْيَى بنُ أيُّوبَ قالَ: حدَّثَني حُمَيْدٌ: سَمِعَ أنَسًا رَضِيَ اللهُ عَنْهُ عَنِ النَّبيِّ صلى اللهُ عليهِ وسلَّمَ.

CHAPTER. Fasting the last days of the month.

باب الصَّوْمِ مِنْ آخِرِ الشَّهْرِ.

204. Narrated Muṭrraf from ʿImrān Ibn Ḥusain ﵄ that the Prophet ﷺ asked him (ʿImrān) or asked a man and ʿImrān was listening, "O Abū so-and-so! Have you fasted the last days of this month?" (The narrator thought that he said, "the month of Ramaḍān"). The man replied, "No, O Allāh's Apostle!" The Prophet ﷺ said to him, "When you finish your fasting (of Ramaḍān) fast two days (in Shawwāl)."

٢٠٤ - حدَّثَنا الصَّلْتُ بنُ مُحَمَّدٍ: حدَّثَنا مَهْدِيٌّ، عَنْ غَيْلانَ ح و حدَّثَنا أبو النُّعْمانِ: حدَّثَنا مَهْدِيُّ بنُ مَيْمُونٍ: حدَّثَنا غَيْلانُ بنُ جَرِيرٍ، عَنْ مُطَرِّفٍ، عَنْ عِمْرانَ بنِ حُصَيْنٍ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبيِّ صلى اللهُ عليهِ وسلَّمَ أنَّهُ سَأَلَهُ أوْ سَأَلَ رَجُلاً و عِمْرانُ يَسْمَعُ فَقالَ: يا أبا فُلانٍ، أمَا صُمْتَ سَرَرَ هَذا الشَّهْرِ؟ قالَ: أظُنُّهُ قالَ: يَعْنِي رَمَضانَ. قالَ الرَّجُلُ: لا يا رَسُولَ اللهِ، قالَ فإذا أفْطَرْتَ فَصُمْ يَوْمَيْنِ. لَمْ يَقُلِ الصَّلْتُ أظُنُّهُ يَعْنِي رَمَضانَ.

Through another series of narrators ʿImrān said, "The Prophet ﷺ said, '(Have you fasted) the last days of

Shaʿbān ? ' "(1)

قالَ أبُو عَبْدِ اللهِ، و قالَ ثابِتٌ، عَنْ مُطَرِّفٍ، عَنْ عِمْرَانَ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: مِنْ سَرَرِ شَعْبانَ.

CHAPTER. Fasting on Fridays. If someone gets up in the morning of Friday and is observing the fast he should break it (if he did not fast the day before or does not intend to fast after it).

بابُ صَوْمِ يَوْمِ الجُمُعَةِ، و إذا أصْبَحَ صائما يَوْمَ الجُمُعَةِ فَعَلَيْهِ أنْ يُفْطِرَ.

205. Narrated Muḥammad bin ʿAbbād: I asked Jābir رضي الله عنه , "Did the Prophet ﷺ forbid fasting on Fridays?" He replied, "Yes." (Other narrators added, "If he intends to fast only that day.")

٢٠٥ - حدَّثَنا أبُو عاصِمٍ، عَنِ ابنِ جُرَيْجٍ، عَنْ عَبْدِ الحَمِيدِ بنِ جُبَيْرِ بنِ شَيْبَةَ، عَنْ مُحَمَّدِ بنِ عَبَّادٍ قالَ: سألْتُ جابِرًا رَضِيَ اللهُ عَنْهُ: أنَهى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْ صَوْمِ يَوْمِ الجُمُعَةِ؟ قالَ: نَعَمْ. زادَ غَيْرُ أبي عاصِمٍ: يَعْني أنْ يَنْفَرِدَ بِصَوْمِهِ.

206. Narrated Abū Huraira رضي الله عنه : I heard the Prophet ﷺ saying, "None of you should fast on Friday unless he fasts a day before or after it."

٢٠٦ - حدَّثَنا عُمَرُ بنُ حَفْصِ بنِ غِياثٍ: حدَّثَنا أبي: حدَّثَنا الأعمَشُ: حدَّثَنا أبُو صالِحٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ سَمِعْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم

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(1) The man whom the Prophet ﷺ asked seemed to have had the habit of fasting the last days of every month, but he did not carry on this habit in the month of Shaʿbān, for Allāh's Apostle ﷺ had forbidden the fasting of the day preceding Ramaḍān immediately. In this narration the Prophet ﷺ orders the man to make up for the days of Shaʿbān which he missed by fasting some days in Shawwāl, and that indicates that one should keep his habits of worshipping, and there is no harm if one fasts the last days of Shaʿbān if it is his habit to fast the last days of every month.

(Fatḥ-ul-Bārī, Vol. 5, p. 134-135)

يَقُولُ: لا يَصُومُ أَحَدُكُمْ يَوْمَ الجُمُعَةِ إلا يَوْما قَبْلَهُ أَوْ بَعْدَهُ.

207. Narrated Abu Aiyub from Juwairiya bint Al-Harith رضي الله عنها: The Prophet ﷺ visited her (Juwairiya) on a Friday and she was fasting. He asked her, "Did you fast yesterday?" She said, "No." He said, "Do you intend to fast tomorrow?" She said, "No." He said, "Then break your fast."

Through another series of narrators, Aiyub is reported to have said, "He ordered her and she broke her fast."

٢٠٧ - حَدَّثَنا مُسَدَّدٌ: حَدَّثَنا يَحْيَى، عَنْ شُعْبَةَ ح: و حَدَّثَنِى مُحَمَّدٌ: حَدَّثَنا غُنْدَرٌ: حَدَّثَنا شُعْبَةُ، عَنْ قَتادَةَ، عَنْ أبِى أيُّوبَ، عَنْ جُوَيْرِيَةَ بِنْتِ الحارِثِ رَضِىَ اللهُ عَنْها: أنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم دَخَلَ عَلَيْها يَوْمَ الجُمُعَةِ و هِىَ صائِمَةٌ فَقالَ: أصُمْتِ أمْسِ؟ قالَتْ: لا، قالَ: تُرِيدِينَ أنْ تَصُومِى غَداً؟ قالَتْ: لا، قالَ: فأفْطِرِى. و قالَ حَمَّادُ بنُ الجَعْدِ سَمِعَ قَتادَةَ: حَدَّثَنِى أبُو أيُّوبَ أن جُوَيْرِيَةَ حَدَّثَتْهُ فأمَرَها فأفْطَرَتْ.

CHAPTER. Can one select some special days (for fasting)?

بابٌ هَلْ يَخُصُّ شَيْئاً مِنَ الأيَّامِ؟.

208. Narrated ʿAlqama: I asked ʿAisha رضي الله عنها: "Used Allāh's Apostle ﷺ to choose some special days (for fasting)?" She replied, "No, but he used to be regular (constant) (in his service of worshipping). Who amongst you can endure what Allāh's Apostle ﷺ used to endure?"

٢٠٨ - حَدَّثَنا مُسَدَّدٌ: حَدَّثَنا يَحْيَى، عَنْ سُفْيانَ، عَنْ مَنْصُورٍ، عَنْ إبْراهِيمَ عَنْ عَلْقَمَةَ: قُلْتُ لِعائِشَةَ رَضِىَ اللهُ عَنْها: هَلْ كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يَخْتَصُّ مِنَ الأيَّامِ شَيْئاً؟ قالَتْ: لا، كانَ عَمَلُهُ دِيمَةً، و أيُّكُمْ يُطِيقُ ما كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يُطِيقُ؟

CHAPTER. Fasting on the day of ʿArafat.

بابُ صَوْمِ يَوْمِ عَرَفَةَ.

209. Narrated Um Al-Faḍl bint Al-Ḥārith, "While the people were with me on the day of ʿArafāt they differed as to whether the Prophet ﷺ was fasting or not; some said that he was fasting while others said that he was not fasting. So, I sent to him a bowl full of milk while he was riding over his camel and he drank it."

٢٠٩ ـ حدَّثنا مُسَدَّدٌ: حدَّثنا يَحْيَى، عَنْ مالِكٍ، قالَ: حدَّثَني سالِمٌ قالَ: حدَّثَني عُمَيْرٌ مَوْلى أُمِّ الفَضْلِ أنَّ أُمَّ الفَضْلِ حدَّثَتْهُ ح. و حدَّثنا عَبْدُ اللهِ ابنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنْ أبي النَّضْرِ مَوْلى عُمَرَ بنِ عُبَيْدِ اللهِ، عَنْ عُمَيْرٍ مَوْلى عَبْدِ اللهِ بنِ العَبَّاسِ، عَنْ أُمِّ الفَضْلِ بِنْتِ الحارِثِ. أنَّ ناسا تَمارَوْا عِنْدَها يَوْمَ عَرَفَةَ في صَوْمِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَقالَ بَعْضُهُمْ: هُوَ صائِمٌ، وقالَ بَعْضُهُمْ: لَيْسَ بِصائِمٍ. فأرْسَلَتْ إلَيْهِ بِقَدَحِ لَبَنٍ و هُوَ واقِفٌ عَلَى بَعِيرِهِ فَشَرِبَهُ.

210. Narrated Maimūna رضي الله عنها : The people doubted whether the Prophet ﷺ was fasting on the day of ʿArafāt or not, so I sent milk while he was standing at ʿArafāt, he drank it and the people were looking at him.

٢١٠ ـ حدَّثنا يَحْيَى بنُ سُلَيْمانَ: حدَّثنا ابنُ وَهْبٍ، أو قُرِئَ عَلَيْهِ، قالَ: أخْبَرَني عَمْرٌو، عَنْ بُكَيْرٍ، عَنْ كُرَيْبٍ، عَنْ مَيْمُونَةَ رَضِيَ اللهُ عَنْها: أنَّ النَّاسَ شَكُّوا في صِيامِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم يَوْمَ عَرَفَةَ فأرْسَلَتْ إلَيْهِ بِحِلابٍ وهُوَ واقِفٌ في المَوْقِفِ، فَشَرِبَ مِنْهُ والنَّاسُ يَنْظُرُونَ.

CHAPTER. Fasting on the first day of ʿĪd-ul-Fiṭr.

بابُ صَوْمِ يَوْمِ الفِطْرِ.

211. Narrated Abū ʿUbaid, the slave of Ibn Azhar: I witnessed the ʿĪd with ʿUmar bin Al-Khaṭṭāb رضي الله عنه who said,

٢١١ ـ حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنِ ابنِ شِهابٍ، عَنْ أبي عُبَيْدٍ مَوْلى ابنِ أزْهَرَ قالَ: شَهِدْتُ

"Allāh's Apostle ﷺ has forbidden people to fast on the day on which you break fasting (the fasts of Ramaḍān) and the day on which you eat the meat of your sacrifices (the first day of ʿĪd-ul-Fitr and ʿĪd-ul-Aḍḥā).

العِيدَ مَعَ عُمَرَ بنِ الخَطَّابِ رَضِيَ اللهُ عَنْهُ فَقَالَ: هذَانِ يَوْمانِ نَهَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم عَنْ صِيامِهِما، يَوْمُ فِطْرِكُمْ مِنْ صِيامِكُمْ، واليَوْمُ الآخَرُ تَأكُلُونَ فِيهِ مِنْ نُسُكِكُمْ. قالَ أبُو عَبْدِ اللهِ: قالَ ابنُ عُيَيْنَةَ: مَنْ قالَ مَوْلى ابنِ أزْهَرَ فَقَدْ أصابَ، و مَنْ قالَ مَوْلى عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ فَقَدْ أصابَ.

212. Narrated Abū Saʿid رضي الله عنه : The Prophet ﷺ forbade the fasting of ʿĪd-ul-Fitr and ʿĪd-ul-Aḍḥā (two feast days) and also the wearing of Aṣ-Ṣammā' (a single garment covering the whole body), and sitting with one's leg drawn up while being wrapped in one garment. He also forbade the prayers after the Fajr (morning) and the ʿAṣr (afternoon) prayers.

٢١٢ - حدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا وُهَيْبٌ: حدَّثَنا عَمْرُو بنُ يَحْيَى، عَنْ أبِيهِ، عَنْ أبي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْ صَوْمِ الفِطْرِ والنَّحْرِ و عَنِ الصَّمَّاءِ، و أنْ يَحْتَبِيَ الرَّجُلُ فِي الثَّوْبِ الوَاحِدِ، و عَنْ صَلاةٍ بَعْدَ الصُّبْحِ والعَصْرِ.

CHAPTER. Fasting on the day of Naḥr (i. e. first day of ʿĪd-ul-Aḍḥā).

بابُ الصَّوْمِ يَوْمَ النَّحْرِ.

213. Narrated Abū Huraira رضي الله عنه : Two fasts and two kinds of sale are forbidden: fasting on the day of ʿId-ul-Fiṭr and ʿĪd-ul-Aḍḥā and the kinds of sale called Mulāmasa and Munābadha. (These two kinds of sale used to be practised in the days of Pre-Islamic ignorant period; Mulāmasa means when you touch something displayed for sale you have to buy it; Munābadha means when the seller throws something to you, you have to buy it.)

٢١٣ - حدَّثَنا إبْرَاهِيمُ بنُ مُوسَى: أخْبَرَنا هِشامٌ، عَنِ ابنِ جُرَيْجٍ قالَ: أخْبَرَنِي عَمْرُو بنُ دِينارٍ، عَنْ عَطَاءِ بنِ مِيناءَ قالَ: سَمِعْتُهُ يُحَدِّثُ عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: يُنْهَى عَنْ صِيامَيْنِ و بَيْعَتَيْنِ: الفِطْرِ والنَّحْرِ، والمُلامَسَةِ والمُنابَذَةِ.

214. Narrated Ziyād bin Jubair: A man went to Ibn ʿUmar رضي الله عنهما and said, "A man vowed to fast one day (the sub-narrator thinks that he said that the day was Monday), and that day happened to be the ʿId day." Ibn ʿUmar said, "Allāh orders vows to be fulfilled and the Prophet ﷺ forbade the fasting on this day (i. e. ʿId)."

٢١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُعَاذٌ: أَخْبَرَنَا ابْنُ عَوْنٍ، عَنْ زِيَادِ بْنِ جُبَيْرٍ قَالَ: جَاءَ رَجُلٌ إِلَى ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا فَقَالَ رَجُلٌ نَذَرَ أَنْ يَصُومَ يَوْمًا، قَالَ أَظُنُّهُ قَالَ: الاثْنَيْنِ فَوَافَقَ ذَلِكَ يَوْمَ عِيدٍ؛ فَقَالَ ابْنُ عُمَرَ: أَمَرَ اللهُ بِوَفَاءِ النَّذْرِ، وَنَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْ صَوْمِ هذا الْيَوْمِ.

215. Narrated Abū Saʿid Al-Khudri رضي الله عنه (who fought in twelve Ghazawāt in the company of the Prophet ﷺ), I heard four things from the Prophet ﷺ and they won my admiration. He said;

1. "No lady should travel on a journey of two days except with her husband or a Dhī-Maḥram;
2. "No fasting is permissible on the two days of Id-ul-Fitr and ʿĪd-ul-Adhā;
3. "No prayer (may be offered) after the morning compulsory prayer until the sun rises; and no prayer after the ʿAṣr prayer till the sun sets;
7. "One should travel only for visiting three Masajid (Mosques): Masjid-ul-Ḥarām (Mecca), Masjid-ul-Aqṣā (Jeruselem), and my Mosque (at Medīna)."

٢١٥ - حَدَّثَنَا حَجَّاجُ بْنُ مِنْهَالٍ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ عُمَيْرٍ قَالَ: سَمِعْتُ قَزَعَةَ قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ رَضِيَ اللهُ عَنْهُ وَكَانَ غَزَا مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم ثِنْتَيْ عَشْرَةَ غَزْوَةً، قَالَ: سَمِعْتُ أَرْبَعًا مِنَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَأَعْجَبْنَنِي قَالَ: لا تُسَافِرِ الْمَرْأَةُ مَسِيرَةَ يَوْمَيْنِ إِلَّا وَمَعَهَا زَوْجُهَا أَوْ ذُو مَحْرَمٍ. وَلا صَوْمَ فِي يَوْمَيْنِ: الْفِطْرِ وَالأَضْحَى، وَلا صَلاةَ بَعْدَ الصُّبْحِ حَتَّى تَطْلُعَ الشَّمْسُ، وَلا بَعْدَ الْعَصْرِ حَتَّى تَغْرُبَ. وَلا تُشَدُّ الرِّحَالُ إِلَّا إِلَى ثَلاثَةِ مَسَاجِدَ: مَسْجِدِ الْحَرَامِ، وَمَسْجِدِ الأَقْصَى، وَمَسْجِدِي هَذَا.

CHAPTER. Fasting on Tashrīq days (eleventh, twelveth and thirteenth of Dhul-Ḥijja).

بَابُ صِيَامِ أَيَّامِ التَّشْرِيقِ.

قَالَ أَبُو عَبْدِ اللهِ: قَالَ لِي مُحَمَّدُ بْنُ الْمُثَنَّى:

Narrated Yaḥyā: Hishām said, "My father said that ᶜAisha رضي الله عنها used to fast on the days of Minā." His (i.e. Hishām's) father also used to fast on those days.

حَدَّثَنَا يَحْيَى، عَنْ هِشَامٍ قَالَ: أَخْبَرَنِي أَبِي: كَانَتْ عَائِشَةُ رَضِيَ اللهُ عَنْهَا تَصُومُ أَيَّامَ مِنًى، وَكَانَ أَبُوهُ يَصُومُهَا.

216. Narrated ᶜAisha and Ibn ᶜUmar رضي الله عنهم : Nobody was allowed to fast on the days of Tashrīq except those who could not afford the Hadī (Sacrifice).

٢١٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شُعْبَةُ: سَمِعْتُ عَبْدَ اللهِ ابْنَ عِيسَى، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، وَعَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمْ قَالَا: لَمْ يُرَخَّصْ فِي أَيَّامِ التَّشْرِيقِ أَنْ يُصَمْنَ إِلَّا لِمَنْ لَمْ يَجِدِ الْهَدْيَ.

217. Narrated Ibn ᶜUmar رضي الله عنهما : Fasting for those who perform Ḥaj-at-Tamatuᶜ (in lieu of the Hadī which they cannot afford) may be performed up to the day of ᶜArafāt. And if one does not get a Hadī and has not fasted (before the ᶜId) then one should fast on the days of Minā.

٢١٧ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ ابْنِ عَبْدِ اللهِ بْنِ عُمَرَ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ: الصِّيَامُ لِمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ إِلَى يَوْمِ عَرَفَةَ، فَإِنْ لَمْ يَجِدْ هَدْيًا وَلَمْ يَصُمْ صَامَ أَيَّامَ مِنًى. وَعَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ مِثْلَهُ. وَتَابَعَهُ إِبْرَاهِيمُ بْنُ سَعْدٍ عَنِ ابْنِ شِهَابٍ.

CHAPTER. Fasting on the day of ᶜAshūrā᾽ (tenth of Muḥarram).

بَابُ صَوْمِ يَوْمِ عَاشُورَاءَ.

218. Narrated Sālim from his father رضي الله عنه : The Prophet ﷺ said, "Whoever wishes may fast on the day of ᶜAshūrā᾽."

٢١٨ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ عُمَرَ ابْنِ مُحَمَّدٍ، عَنْ سَالِمٍ، عَنْ أَبِيهِ رَضِيَ اللهُ عَنْهُ، قَالَ: قَالَ النَّبِيُّ صلى الله عليه وسلم: يَوْمَ عَاشُورَاءَ إِنْ شَاءَ صَامَ.

219. Narrated ʿĀisha رضي الله عنها : Allāh's Apostle ﷺ ordered (the Muslims) to fast on the day of ʿĀshūrāʾ, and when fasting in the month of Ramaḍān was prescribed, it became optional for one to fast on that day (ʿĀshūrāʾ) or not.

٢١٩ - حَدَّثَنَا أَبُو الْيَمَانِ، أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ أَنَّ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: كَانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أَمَرَ بِصِيَامِ يَوْمِ عَاشُورَاءَ فَلَمَّا فُرِضَ رَمَضَانُ كَانَ مَنْ شَاءَ صَامَ وَ مَنْ شَاءَ أَفْطَرَ.

220. Narrated ʿĀisha رضي الله عنها : Quraish used to fast on the day of ʿĀshūrāʾ in the Pre-Islamic period, and Allāh's Apostle ﷺ too, used to fast on that day. When he came to Medīna, he fasted on that day and ordered others to fast, too. Later when the fasting of the month of Ramaḍān was prescribed, he gave up fasting on the day of ʿĀshūrāʾ and it became optional for one to fast on it or not.

٢٢٠ - حَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: كَانَ يَوْمُ عَاشُورَاءَ تَصُومُهُ قُرَيْشٌ فِي الْجَاهِلِيَّةِ، وَ كَانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يَصُومُهُ، فَلَمَّا قَدِمَ الْمَدِينَةَ صَامَهُ وَ أَمَرَ بِصِيَامِهِ. فَلَمَّا فُرِضَ رَمَضَانُ تَرَكَ يَوْمَ عَاشُورَاءَ، فَمَنْ شَاءَ صَامَهُ وَ مَنْ شَاءَ تَرَكَهُ.

221. Narrated Ḥumaid bin ʿAbdur-Raḥmān that he heard Muʿāwiya bin Abī Sufyān رضي الله عنه on the day of ʿĀshūrāʾ during the year he performed the Ḥajj, saying on the pulpit, "O the people of Medīna! Where are your Religious Scholars? I heard Allāh's Apostle ﷺ saying, 'This is the day of ʿĀshūrāʾ. Allāh has not enjoined its fasting on you but I am fasting it. You have the choice of fasting or not fasting (on this day).' "

٢٢١ - حَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ ابْنِ عَبْدِ الرَّحْمَنِ: أَنَّهُ سَمِعَ مُعَاوِيَةَ ابْنَ أَبِي سُفْيَانَ رَضِيَ اللهُ عَنْهُمَا يَوْمَ عَاشُورَاءَ عَامَ حَجَّ عَلَى الْمِنْبَرِ يَقُولُ: يَا أَهْلَ الْمَدِينَةِ، أَيْنَ عُلَمَاؤُكُمْ؟ سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ: هَذَا يَوْمُ عَاشُورَاءَ وَلَمْ يَكْتُبِ اللهُ عَلَيْكُمْ صِيَامَهُ وَ أَنَا صَائِمٌ، فَمَنْ شَاءَ فَلْيَصُمْ وَ مَنْ شَاءَ فَلْيُفْطِرْ.

222. Narrated Ibn ᶜAbbās ؓ : The Prophet ﷺ came to Medīna and saw the Jews fasting on the day of ᶜĀshūrāʾ. He asked them, "What is this ?" They told him, "This is a good day; it is the day on which Allāh rescued Banī Isrāēl from their enemy. So, Moses fasted this day." The Prophet ﷺ said, "We have more claim to Moses than you (do)." So, the Prophet ﷺ fasted on that day and ordered (the Muslims) to fast on it.

٢٢٢ ـ حَدَّثَنَا أَبُو مَعْمَرٍ : حَدَّثَنَا عَبْدُ الوَارِثِ : حَدَّثَنَا أَيُّوبُ : حَدَّثَنَا عَبْدُ اللهِ بنُ سَعِيدِ بنِ جُبَيْرٍ ، عَنْ أَبِيهِ ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ : قَدِمَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم المَدِينَةَ فَرَأَى اليَهُودَ تَصُومُ يَوْمَ عاشُورَاءَ فَقالَ : ما هذَا؟ قالُوا : هذَا يَوْمٌ صَالِحٌ ، هذَا يَوْمٌ نَجَّى اللهُ بَنِي إِسْرَائِيلَ مِنْ عَدُوِّهِمْ ، فَصَامَهُ مُوسَى ، قالَ : فأنا أَحَقُّ بِمُوسَى مِنْكُمْ ، فَصَامَهُ ، و أَمَرَ بِصِيَامِهِ .

223. Narrated Abū Mūsā ؓ : The day of ᶜĀshūrāʾ was considered as ᶜĪd day by the Jews. So the Prophet ﷺ ordered, "I recommend you (Muslims) to fast on this day."

٢٢٣ ـ حَدَّثَنَا عَلِيُّ بنُ عَبْدِ اللهِ : حَدَّثَنَا أَبُو أُسامَةَ ، عَنْ أَبِي عُمَيْسٍ ، عَنْ قَيْسِ بنِ مُسْلِمٍ ، عَنْ طارِقِ بنِ شِهابٍ عَنْ أَبِي مُوسَى رَضِيَ اللهُ عَنْهُ قالَ : كانَ يَوْمُ عاشُورَاءَ تَعُدُّهُ اليَهُودُ عِيدًا ، قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : فَصُومُوهُ أَنْتُمْ .

224. Narrated Ibn ᶜAbbās ؓ : I never saw the Prophet ﷺ seeking to fast on a day more preferable to him than this day, the day of ᶜĀshūrāʾ, or this month, i. e. the month of Ramaḍān.(1)

٢٢٤ ـ حَدَّثَنَا عُبَيْدُ اللهِ بنُ مُوسَى ، عَنِ ابنِ عُيَيْنَةَ ، عَنْ عُبَيْدِ اللهِ بْنِ أَبِي يَزِيدَ ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما ، قالَ : ما رَأَيْتُ النَّبِيَّ صلى اللهُ

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(1) ‘This is only the opinion of Ibn ᶜAbbās ؓ which might differ from what other people think, for in a narration reported by Qatāda from the Prophet ﷺ , it is mentioned that fasting on the day of ᶜArafāt expiates the sins of two years, while fasting on the day of ᶜĀshūrāʾ expiates the sins of only one year. This indicates that fasting on the day of ᶜArafāt is superior to that of ᶜĀshūrāʾ.

عليهِ وسلَّمَ يتَحرَّى صِيامَ يَوْمٍ فَضَّلَهُ عَلَى غيرِهِ إلاَّ هذَا اليَوْمَ، يَوْمُ عاشُوراءَ، و هذَا الشَّهْرَ، يَعْنِي شَهْرَ رَمَضانَ.

225. Narrated Salama bin Al-Akwaᶜ رضي الله عنه : The Prophet ﷺ ordered a man from the tribe of Banī Aslam to announce amongst the people that whoever had eaten should fast the rest of the day, and whoever had not eaten should continue his fast, as that day was the day of ᶜĀshūrā᾿.

٢٢٥ ـ حدَّثَنا المَكِّيُّ بنُ إبْراهِيمَ: حدَّثَنا يَزِيدُ بنُ أبي عُبَيْدٍ، عَنْ سَلَمَةَ ابنِ الأكْوَعِ رَضِيَ اللهُ عَنْهُ، قالَ: أمَرَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم رَجُلاً مِنْ أسْلَمَ أنْ أذِّنْ فى النَّاسِ: أنَّ مَنْ كانَ أكَلَ فَلْيَصُمْ بَقِيَّةَ يَوْمِهِ، و مَنْ لَمْ يَكُنْ أكَلَ فَلْيَصُمْ؛ فإنَّ اليَوْمَ يَوْمُ عاشُوراءَ.

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF TARĀWĪḤ PRAYERS
(Praying at night in Ramaḍān).

CHAPTER. The superiority of praying (Nawāfil) at night in Ramaḍān.

226. Narrated Abū Huraira ؓ: I heard Allāh's Apostle ﷺ saying regarding Ramaḍān, "Whoever prayed at night in it (the month of Ramaḍān) with belief and a wish for a reward from Allāh, then all his previous sins will be forgiven."

227. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, "Whoever prayed at night the whole month of Ramaḍān with belief and a wish for a reward from Allāh, then all his previous sins will be forgiven."

Ibn Shihāb (a sub-narrator) said, "Allāh's Apostle ﷺ died and the people continued observing that (i. e. Nawāfil offered individually, not in congregation), and it remained as it was during the Caliphate of Abū Bakr and in the early days of ʿUmar's Caliphate." ʿAbdur Raḥmān bin ʿAbdul Qāri said, "I went out in the company of ʿUmar bin Al-Khaṭṭāb one night in Ramaḍān to the

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

كتاب صلاة التراويح

بابُ فَضْلِ مَنْ قامَ رَمَضانَ .

٢٢٦ - حدَّثَنا يَحْيَى بنُ بُكَيرٍ : حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ : أخْبَرَنى أبُو سَلَمَةَ أنَّ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ : سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ لِرَمَضانَ : مَنْ قامَهُ إيمانا و احْتِسابا غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ .

٢٢٧ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبَرَنا مالكٌ، عَنِ ابنِ شِهابٍ ؛ عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمٰنِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : مَنْ قامَ رَمَضانَ إيمانا و احْتِسابا غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ . قالَ ابنُ شِهابٍ : فَتُوُفِّىَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم والنَّاسُ عَلَى ذَلِكَ . ثُمَّ كانَ الأمْرُ عَلَى ذَلِكَ فى خِلافَةِ أبي بَكْرٍ، و صَدْرًا مِنْ خِلافَةِ عُمَرَ رَضِيَ اللهُ عَنْهُما. و عَنِ ابنِ شِهابٍ،

mosque and found the people praying in different groups. A man praying alone or a man praying with a little group behind him. So, ᶜUmar said, ‘In my opinion I'd better collect these (people) under the leadership of one Qārī (Reciter) (i. e. let them pray in congregation!)’. So, he made up his mind to congregate them behind Ubaī bin Kaᶜb. Then on another night I went again in his company and the people were praying behind their reciter. On that, ᶜUmar remarked, ‘What an excellent Bidᶜa (i.e. innovation in religion) this is; but the prayer which they do not perform, but sleep at its time is better than the one they are offering.’ He meant the prayer in the last part of the night. (In those days) people used to pray in the early part of the night.”

عَنْ عُرْوَةَ بنِ الزُّبَيرِ عَنْ عَبْدِ الرَّحْمَنِ ابنِ عَبْدٍ القَارِىِّ أَنَّهُ قالَ: خَرَجْتُ مَعَ عُمَرَ بنِ الخَطَّابِ رَضِىَ اللهُ عَنْهُ لَيْلَةً فى رَمَضَانَ إلى المَسْجِدِ فإذَا النَّاسُ أَوْزَاعٌ مُتَفَرِّقُونَ، يُصَلِّى الرَّجُلُ لِنَفْسِهِ ويُصَلِّى الرَّجُلُ فَيُصَلِّى بِصَلاتِهِ الرَّهْطُ، فَقالَ عُمَرُ: إنِّى أرَى لَوْ جَمَعْتُ هَؤُلاءِ عَلَى قارِئٍ واحِدٍ لَكانَ أَمْثَلَ؛ ثُمَّ عَزَمَ فَجَمَعَهُمْ عَلَى أُبَىِّ بنِ كَعْبٍ. ثُمَّ خَرَجْتُ مَعَهُ لَيْلَةً أُخْرَى والنَّاسُ يُصَلُّونَ بِصَلاةِ قارِئِهِمْ، قالَ عُمَرُ: نِعْمَ البِدْعَةُ هذِهِ، والَّتِى يَنامُونَ عَنْها أَفْضَلُ مِنَ الَّتِى يَقُومُونَ، يُرِيدُ آخِرَ اللَّيْلِ. و كانَ النَّاسُ يَقُومُونَ أَوَّلَهُ.

228. Narrated ᶜAisha رضي الله عنها, the wife of the Prophet ﷺ: Allāh's Apostle ﷺ used to pray (at night) in Ramaḍān.

٢٢٨ ـ حَدَّثَنا إسماعِيلُ قالَ: حَدَّثَنى مالِكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ، عَنْ عائِشَةَ رَضِىَ اللهُ عَنْها زَوْجِ النَّبِىِّ صلى اللهُ عليهِ وسلَّمَ أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ صَلَّى و ذلكَ فى رَمَضانَ.

229. Narrated ᶜUrwa that he was informed by ᶜAisha رضي الله عنها, “Allāh's Apostle ﷺ went out in the middle of the night and prayed in the mosque and some men prayed behind him. In the morning, the people spoke about it and then a large

٢٢٩ ـ و حَدَّثَنِى يَحْيَى بنُ بُكَيرٍ: حَدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ: أخْبَرَنى عُرْوَةُ: أنَّ عائِشَةَ رَضِىَ اللهُ عَنْها أخْبَرَتْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ خَرَجَ لَيْلَةً مِنْ

number of them gathered and prayed behind him (on the second night). In the next morning the people again talked about it and on the third night the mosque was full with a large number of people. Allāh's Apostle ﷺ came out and the people prayed behind him. On the fourth night the Mosque was overwhelmed with people and could not accomodate them, but the Prophet ﷺ came out (only) for the morning prayer. When the morning prayer was finished he recited Tashahhud and (addressing the people) said, "Ammā baᶜdu, your presence was not hidden from me but I was afraid lest the night prayer (Qiyām) should be enjoined on you and you might not be able to carry it on." So, Allāh's Apostle ﷺ died and the situation remained like that (i. e. people prayed individually)."

230. Narrated Abū Salama bin ᶜAbdur Raḥmān that he asked ᶜAisha رضي الله عنها "How was the prayer of Allāh's Apostle ﷺ in Ramaḍān?" She replied, "He did not pray more than eleven Rakᶜat in Ramaḍān or in any other month. He used to pray four Rakᶜat—— let alone their beauty and length —— and then he would pray four—let alone their beauty and length——and then he would pray three Rakᶜat (Witr)." She added, "I asked, 'O Allāh's Apostle! Do you sleep before praying the Witr?' He replied, 'O ᶜAisha! My eyes sleep but my heart does not sleep."

جَوْفِ اللَّيْلِ، فَصَلَّى فى المَسْجِدِ و صَلَّى رِجالٌ بِصَلاتِهِ، فأصْبَحَ النَّاسُ فَتَحَدَّثُوا فاجْتَمَعَ أكْثَرُ مِنْهُمْ فَصَلَّوْا مَعَهُ. فأصْبَحَ النَّاسُ فَتَحَدَّثُوا فَكَثُرَ أهْلُ المَسْجِدِ مِنَ اللَّيْلَةِ الثَّالِثَةِ، فَخَرَجَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَصَلَّى فَصَلَّوْا بِصَلاتِهِ. فَلَمَّا كانَتِ اللَّيْلَةُ الرَّابِعَةُ عَجَزَ المَسْجِدُ عَنْ أهْلِهِ حتَّى خَرَجَ لِصَلاةِ الصُّبْحِ فَلَمَّا قَضَى الفَجْرَ أقْبَلَ عَلَى النَّاسِ فَتَشَهَّدَ. ثُمَّ قالَ: أمَّا بَعْدُ، فإنَّهُ لمْ يَخْفَ عَلَىَّ مَكانُكُمْ، ولكِنِّى خَشِيتُ أنْ تُفْتَرَضَ عَلَيْكُمْ فَتَعْجِزُوا عَنْها. فَتُوُفِّىَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم والأمْرُ عَلَى ذلكَ.

٢٣٠ ـ حدَّثنا إسماعِيلُ قالَ: حدَّثَنِى مالِكٌ، عَنْ سَعِيدٍ المَقْبُرِىِّ، عَنْ أبى سَلَمَةَ بنِ عَبْدِ الرَّحْمَنِ أنَّهُ سَألَ عائِشَةَ رَضِىَ اللهُ عَنْها: كَيْفَ كانَتْ صَلاةُ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فى رَمَضانَ؟ فَقالَتْ: ما كانَ يَزِيدُ فى رَمَضانَ ولا فى غَيْرِهِ عَلَى إحْدَى عَشْرَةَ رَكْعَةً، يُصَلِّى أرْبَعًا فَلا تَسْألْ عَنْ حُسْنِهِنَّ و طُولِهِنَّ، ثُمَّ يُصَلِّى أرْبَعًا فَلا تَسْألْ عَنْ حُسْنِهِنَّ و طُولِهِنَّ، ثُمَّ يُصَلِّى ثَلاثًا. فَقُلْتُ: يا رَسُولَ اللهِ، أتَنامُ قَبْلَ أنْ تُوتِرَ؟ قالَ: يا عائِشَةُ،

إنَّ عَيْنَيَّ تَنامانِ ولا يَنامُ قَلْبِي .

CHAPTER. The superiority of the night of Qadr; and Allāh (تعالى) said :--

"We have indeed revealed (the Qur'ān)
In the night of Qadr
And what will explain to you
What the night of Qadr is........."
...... till the end of the Sūra.
—— Sūra 97.

(A few explanations about the night of Qadr and the revealing of the Qur'ān in it not translated.)

بابُ فَضْلِ لَيْلَةِ القَدْرِ . و قالَ اللهِ تَعالَى - إنَّا أنزَلْناهُ في لَيْلَةِ القَدْرِ وما أدْرَاكَ ما لَيْلَةُ القَدْرِ - إلى آخِرِ السُّورَةِ . قالَ ابنُ عُيَيْنَةَ : ما كانَ في القُرآنِ - وما أدْرَاكَ - فَقَدْ أعْلَمَهُ . وما قالَ : - وما يُدْرِيكَ - فإنَّهُ لم يُعْلِمْ .

231. Narrated Abū Huraira (رضي الله عنه) : The Prophet ﷺ said, "Whoever fasted the month of Ramaḍān with Faith (i. e. belief) and a wish for a reward from Allāh, then all his past sins will be forgiven, and whoever stood for the prayers in the night of Qadr with Faith and a wish for a reward from Allāh, then all his previous sins will be forgiven."

٢٣١ - حدَّثَنا عليُّ بنُ عَبْدِ اللهِ : حدَّثَنا سُفْيانُ قالَ : حَفِظْناهُ ، و إنَّما حَفِظَ مِنَ الزُّهْرِيِّ ، عَنْ أبي سَلَمَةَ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : مَنْ صامَ رَمَضانَ إيمانا و احْتِسابا غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ . و مَنْ قامَ لَيْلَةَ القَدْرِ إيمانا و احْتِسابا غُفِرَ لَهُ ما تَقَدَّمَ مِنْ ذَنْبِهِ . تابَعَهُ سُلَيْمانُ بنُ كَثِيرٍ عَنِ الزُّهْرِيِّ .

CHAPTER. To look for the night of Qadr in the last seven days (of Ramaḍān).

بابُ الْتِماسِ لَيْلَةِ القَدْرِ في السَّبْعِ الأَوَاخِرِ .

232. Narrated Ibn ʿUmar (رضي الله عنهما) : Some men amongst the companions of the Prophet ﷺ were shown in their dreams

٢٣٢ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبَرَنا مالِكٌ ، عَنْ نافِعٍ عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما : أنَّ رِجالاً مِنْ

that the night of Qadr was in the last seven days of Ramadān. Allah's Apostle ﷺ said, "It seems that all your dreams agree that (the Night of Qadr) is in the last seven days, and whoever wants to search for it (i.e. the Night of Qadr) should search in the last seven (days of Ramadān)."

أصحابِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم أُرُوا لَيْلَةَ القَدْرِ فى المَنامِ فى السَّبْعِ الأَواخِرِ. فقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: أرَى رُؤْيا كُمْ قَدْ تَواطَأَتْ فى السَّبْعِ الأَواخِرِ، فمَنْ كانَ مُتَحَرِّيها فلْيَتَحَرَّها فى السَّبْعِ الأَواخِرِ.

233. Narrated Abū Salama: I asked Abū Saʿīd رضي الله عنه ——and he was a friend of mine——(about the Night of Qadr) and he said, "We practised Iʿtikāf (seclusion in the mosque for prayers) in the middle third of the month of Ramadān with the Prophet ﷺ. In the morning of the 20th of Ramadān, the Prophet ﷺ came and addressed us and said, 'I was informed of (the date of the Night of Qadr) but I was caused to forget it; so search for it in the odd nights of the last ten days of the month of Ramadān. (In the dream) I saw myself prostrating in mud and water (as a sign). So, whoever was in I tikaf should return to it with me (for another 10-day's period).' We returned. At that time there was no sign of clouds in the sky but suddenly a cloud came and it rained till rain came through the roof of the mosque which was made of date-palm leaf stalks. Then the prayer was established and I saw Allāh's Apostle ﷺ prostrating in mud and water and I saw the traces of mud on his forehead."

٢٣٣ ـ حدَّثنا مُعاذُ بنُ فَضالَةَ: حدَّثنا هِشامٌ، عَنْ يَحْيَى، عَنْ أبى سَلَمَةَ قالَ: سأَلْتُ أبا سَعِيدٍ وكانَ لى صَدِيقًا فقالَ: اعْتَكَفْنا مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم العَشْرَ الأَوْسَطَ مِنْ رَمَضانَ، فخَرَجَ صَبِيحَةَ عِشْرِينَ فخَطَبَنا وقالَ: إنى أُرِيتُ لَيْلَةَ القَدْرِ ثُمَّ أُنْسِيتُها أوْ نُسِّيتُها، فالْتَمِسُوها فى العَشْرِ الأَواخِرِ فى الوِتْرِ، وإنى رَأَيْتُ أَنى أَسْجُدُ فى ماءٍ وطِينٍ، فمَنْ كانَ اعْتَكَفَ مَعِى فلْيَرْجِعْ. فرَجَعْنا وما نَرَى فى السَّماءِ قَزَعَةً فجاءَتْ سَحابَةٌ فمَطَرَتْ حتَّى سالَ سَقْفُ المَسْجِدِ وكانَ مِنْ جَرِيدِ النَّخْلِ، وأُقِيمَتِ الصَّلاةُ فرَأَيْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَسْجُدُ فى الماءِ والطِّينِ حتَّى رَأَيْتُ أَثَرَ الطِّينِ فى جَبْهَتِهِ.

CHAPTER. To search for the Night of Qadr in the odd nights of the last ten

بابٌ تَحَرِّى لَيْلَةِ القَدْرِ فى الوِتْرِ مِنَ العَشْرِ الأَواخِرِ، فيهِ عُبادَةُ.

days (of Ramadān). This narration has come from the Prophet ﷺ through ʿUbāda (bin Aṣ-Ṣāmit).

234. Narrated ʿAisha رضي الله عنها : Allāh's Apostle ﷺ said, "Search for the Night of Qadr in the odd nights of the last ten days of Ramadān."

235. Narrated Abū Saʿīd Al-Khudrī رضي الله عنه : Allāh's Apostle ﷺ used to practise Iʿtikāf (in the mosque) in the middle third of Ramadān and after passing the twenty nights he used to go back to his house on the 21st, and the people who were in Iʿtikāf with him also used to go back to their houses. Once in Ramadān, in which he practised Iʿtikāf, he established the night prayers at the night in which he used to return home, and then he addressed the people and ordered them whatever Allāh wished him to order and said, "I used to practise Iʿtikāf for these ten days (i. e. the middle 1/3rd) but now I intend to stay in Iʿtikāf for the last ten days (of the month); so whoever was in Iʿtikāf with me should stay at his place of seclusion. I have verily been shown (the date of) this Night (of Qadr) but I have forgotten it. So search for it in the odd nights of the last ten days (of this month). I also saw myself (in the dream) prostrating in mud and water." On the night of the 21st, the sky was covered with clouds and it rained, and water came

٢٣٤ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ: حَدَّثَنَا أَبُو سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا: أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ: تَحَرَّوْا لَيْلَةَ القَدْرِ فى الوِتْرِ مِنَ العَشْرِ الأَوَاخِرِ مِنْ رَمَضَانَ.

٢٣٥ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ حَمْزَةَ قالَ: حَدَّثَنِى ابْنُ أَبِى حَازِمٍ وَالدَّرَاوَرْدِىُّ، عَنْ يَزِيدَ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِى سَلَمَةَ، عَنْ أَبِى سَعِيدٍ الخُدْرِىِّ رَضِىَ اللهُ عَنْهُ: كَانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم يُجَاوِرُ فى رَمَضَانَ العَشْرَ الَّتِى فى وَسَطَ الشَّهْرِ، فَإِذَا كَانَ حِينَ يُمْسِى مِنْ عِشْرِينَ لَيْلَةً تَمْضِى وَيَسْتَقْبِلُ إِحْدَى وَعِشْرِينَ رَجَعَ إِلى مَسْكَنِهِ، وَرَجَعَ مَنْ كَانَ يُجَاوِرُ مَعَهُ. وَأَنَّهُ أَقَامَ فى شَهْرٍ جَاوَرَ فِيهِ اللَّيْلَةَ الَّتِى كَانَ يَرْجِعُ فِيهَا فَخَطَبَ النَّاسَ فَأَمَرَهُمْ مَا شَاءَ اللهُ ثُمَّ قَالَ: كُنْتُ أُجَاوِرُ هٰذِهِ العَشْرَ، ثُمَّ قَدْ بَدَا لى أَنْ أُجَاوِرَ هٰذِهِ العَشْرَ الأَوَاخِرَ، فَمَنْ كَانَ اعْتَكَفَ مَعِى فَلْيَثْبُتْ فى مُعْتَكَفِهِ، وَقَدْ أُرِيتُ هٰذِهِ اللَّيْلَةَ ثُمَّ أُنْسِيتُهَا فَابْتَغُوهَا فى العَشْرِ الأَوَاخِرِ،

through the roof of the mosque at the praying place of the Prophet ﷺ.

I saw with my own eyes the Prophet ﷺ at the completion of the morning prayer leaving with his face covered with mud and water.

وَابْتَغُوهَا فِى كُلِّ وِتْرٍ، وَ قَدْ رَأَيْتُنِى أَسْجُدُ فِى مَاءٍ وَ طِينٍ. فَاسْتَهَلَّتِ السَّمَاءُ فِى تِلْكَ اللَّيْلَةِ فَأَمْطَرَتْ فَوَكَفَ الْمَسْجِدُ فِى مُصَلَّى النَّبِىِّ صلى اللهُ عليهِ وسلَّم لَيْلَةَ إِحْدَى وَ عِشْرِينَ فَبَصُرَتْ عَيْنِى رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم وَ نَظَرْتُ إِلَيْهِ انْصَرَفَ مِنَ الصُّبْحِ وَ وَجْهُهُ مُمْتَلِئٌ طِينًا وَ مَاءً.

236. Narrated ʿAisha رضي الله عنها: The Prophet ﷺ said, "Look for (the Night of Qadr)."

٢٣٦ ـ و حَدَّثَنَا مُحَمَّدُ بنُ الْمُثَنَّى: حَدَّثَنَا يَحْيَى، عَنْ هِشَامٍ قَالَ: أَخْبَرَنِى أَبِى، عَنْ عَائِشَةَ رَضِىَ اللهُ عَنْهَا، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قَالَ: الْتَمِسُوا.

237. Narrated ʿAisha رضي الله عنها: Allah's Apostle ﷺ used to practise Iʿtikāf in the last ten days of Ramaḍān and used to say, "Look for the Night of Qadr in the last ten nights of the month of Ramaḍān."

٢٣٧ ـ و حَدَّثَنِى مُحَمَّدٌ: أَخْبَرَنَا عَبْدَةُ عَنْ هِشَامِ بنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: كَانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يُجَاوِرُ فِى الْعَشْرِ الأَوَاخِرِ مِنْ رَمَضَانَ وَ يَقُولُ: تَحَرَّوْا لَيْلَةَ الْقَدْرِ فِى الْعَشْرِ الأَوَاخِرِ مِنْ رَمَضَانَ.

238. Narrated Ibn ʿAbbās رضي الله عنهما: The Prophet ﷺ said, "Look for the Night of Qadr in the last ten nights of Ramaḍān on the night when nine or seven or five nights remain out of the last ten nights of Ramaḍān (i. e. 21, 23, 25, respectively)."

٢٣٨ ـ حَدَّثَنَا مُوسَى بنُ إِسْمَاعِيلَ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا أَيُّوبُ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا: أَنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم قَالَ: الْتَمِسُوهَا فِى الْعَشْرِ الأَوَاخِرِ مِنْ رَمَضَانَ لَيْلَةَ الْقَدْرِ، فِى تَاسِعَةٍ تَبْقَى، فِى سَابِعَةٍ تَبْقَى، فِى خَامِسَةٍ تَبْقَى.

239. Narrated Ibn ʿAbbās رضي الله عنهما : Allāh's Apostle ﷺ said, "The Night of Qadr is in the last ten nights of the month (Ramaḍān), either on the first nine or in the last (remaining) seven nights (of Ramaḍān)." Ibn ʿAbbās added, "Search for it on the twenty-fourth (of Ramaḍān)."

٢٣٩ - حدَّثنا عَبْدُ اللهِ بنُ أبي الأسْوَدِ : حدَّثنا عَبْدُ الوَاحِدِ : حدَّثنا عاصِمٌ ، عَنْ أبي مِجْلَزٍ و عِكْرِمَةَ : قالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ : قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : هِيَ في العَشْرِ الأوَاخِرِ هِيَ في تِسْعٍ يَمْضِينَ ، أوْ في سَبْعٍ يَبْقِينَ ، يَعْنِي لَيْلَةَ القَدْرِ . تابَعَهُ عَبْدُ الوَهَّابِ عَنْ أيُّوبَ . و عَنْ خالِدٍ عَنْ عِكْرِمَةَ ، عَنِ ابنِ عَبَّاسٍ : التَمِسُوا في أرْبَعٍ و عِشْرِينَ .

CHAPTER. The knowing of the Night of Qadr was taken away because of the quarrelling of the people.

بابُ رَفْعِ مَعْرِفَةِ لَيْلَةِ القَدْرِ لِتَلاحِي النَّاسِ .

240. Narrated ʿUbāda bin Aṣ-Ṣāmit : The Prophet ﷺ came out to inform us about the Night of Qadr but two Muslims were quarrelling with each other. So, the Prophet ﷺ said, "I came out to inform you about the Night of Qadr but such-and-such persons were quarrelling, so the news about it had been taken away; yet that might be for your own good, so search for it on the 29th, 27th and 25th (of Ramaḍān).

٢٤٠ - حدَّثنا مُحَمَّدُ بنُ المُثَنَّى : حدَّثنا خالِدُ بنُ الحارِثِ : حدَّثنا حُمَيْدٌ : حدَّثنا أنَسٌ ، عَنْ عُبادَةَ بنِ الصَّامِتِ قالَ : خَرَجَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم لِيُخْبِرَنا بِلَيْلَةِ القَدْرِ ، فَتَلاحَى رَجُلانِ مِنَ المُسْلِمِينَ فَقالَ : خَرَجْتُ لأُخْبِرَكُمْ بِلَيْلَةِ القَدْرِ فَتَلاحَى فُلانٌ و فُلانٌ فَرُفِعَتْ وعَسَى أنْ يَكُونَ خَيْرًا لَكُمْ ، فالتَمِسُوها في التَّاسِعَةِ والسَّابِعَةِ والخامِسَةِ .

CHAPTER. The doing of good deeds in the last ten days of Ramadan.

بابُ العَمَلِ في العَشْرِ الأوَاخِرِ مِنْ رَمَضانَ .

241. Narrated ʿAisha رضي الله عنها : With the start of the last ten days of Ramaḍān, the Prophet ﷺ used to tighten his waist belt (i. e. work hard) and used to pray all the night, and to keep his family awake for the prayers.

٢٤١ - حدَّثنا عَلِيُّ بنُ عَبْدِ الله : حدَّثنا ابنُ عُيَيْنَةَ ، عَنْ أبي يَعْفُورٍ ، عَنْ أبي الضُّحَى ، عَنْ مَسْرُوقٍ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ : كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم إذا دَخَلَ العَشْرُ شَدَّ مِئْزَرَهُ وأحْيا لَيْلَهُ وأيْقَظَ أهْلَهُ .

In the name of Allāh,
the most Beneficent, the most Merciful

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ

CHAPTERS OF IᶜTIKĀF :

أبواب الاعتكاف

CHAPTER. The Iᶜtikāf in the last ten days of Ramaḍān. And Iᶜtikāf may be practised in any mosque, as is evident in the Statement of Allāh تعالى : ' While you are in Iᶜtikāf in the mosques, do not go near your wives and these are the limits set by Allāh : So, do not approach them. Thus Allāh makes clear His signs to mankind that they may ward off (sins).'

(2 : 187)

بابُ الاعْتِكافِ فِي العَشْرِ الأَوَاخِرِ، والاعْتِكافِ فِي المَسَاجِدِ كُلِّهَا، لِقَوْلِهِ تَعالَى - ولا تُبَاشِرُوهُنَّ و أَنتم عاكِفُونَ فِي المَسَاجِدِ تِلْكَ حُدُودُ اللهِ فلا تَقْرَبُوهَا كَذَلِكَ يُبَيِّنُ اللهُ آياتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ - .

242. Narrated ᶜAbdullāh bin ᶜUmar رضي الله عنهما : Allāh's Apostle ﷺ used to practise Iᶜtikāf in the last ten days of the month of Ramaḍān.

٢٤٢ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنِي ابْنُ وَهْبٍ، عَنْ يُونُسَ. أَنَّ نافِعاً أَخْبَرَهُ عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قال: كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يَعْتَكِفُ العَشْرَ الأَوَاخِرَ مِنْ رَمَضَانَ .

243. Narrated ᶜĀisha رضي الله عنها the wife of the Prophet ﷺ : The Prophet ﷺ used to practise Iᶜtikāf in the last ten days of Ramaḍān till he died and then his wives used to practise Iᶜtikāf after him.

٢٤٣ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها زَوْجِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: أَنَّ النَّبِيَّ صلى اللهُ

عليهِ وسلَّم كانَ يَعْتَكِفُ العَشْرَ الأَوَاخِرَ مِنْ رَمَضَانَ حتَّى تَوَفَّاهُ اللهُ ، ثُمَّ اعْتَكَفَ أزْوَاجُهُ مِنْ بَعْدِهِ .

244. Narrated Abū Saʿīd Al-Khudrī رضي الله عنه : Allāh's Apostle ﷺ used to practise Iʿtikaf in the middle ten days of Ramadan and once he stayed in Iʿtikaf till the night of the twenty-first and it was the night in the morning of which he used to come out of his Iʿtikāf. The Prophet ﷺ said, "Whoever was in Iʿtikāf with me should stay in Iʿtikāf for the last ten days, for I was informed (of the date) of the Night (of Qadr) but I have been caused to forget it. (In the dream) I saw myself prostrating in mud and water in the morning of that night. So, look for it in the first ten nights and in the odd ones of them." It rained that night and the roof of the mosque dribbled as it was made of leaf stalks of date-palms. I saw with my own eyes the mark of mud and water on the forehead of the Prophet ﷺ (i. e. in the morning of the twenty-first).

٢٤٤ ـ حدَّثَنا إسمَاعِيلُ قالَ : حدَّثَنى مالكٌ ، عَنْ يَزِيدَ بنِ عَبْدِ اللهِ بنِ الهَادِ ، عَنْ مُحَمَّدِ بنِ إبْرَاهِيمَ بنِ الحَارِثِ التَّيْمىّ ، عَنْ أبى سَلَمَةَ بنِ عَبْدِ الرَّحْمَنِ ، عَنْ أبى سَعِيدٍ الخُدْرِىّ رَضِىَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم كانَ يَعْتَكِفُ فى العَشْرِ الأوْسَطِ مِنْ رَمَضَانَ ، فاعْتَكَفَ عاما حتَّى إذَا كانَ لَيْلَةَ إحْدَى و عِشْرِينَ و هىَ اللَّيْلَةُ الَّتى يَخْرُجُ مِنْ صَبِيحَتِها مِن اعْتِكافِهِ ، قالَ : مَنْ كانَ اعْتَكَفَ معى فلْيَعْتَكِفِ العَشْرَ الأوَاخِرَ ، فقَدْ أُرِيتُ هذهِ اللَّيْلَةَ ثُمَّ أُنْسِيتُها ، و قَدْ رَأَيْتُنِى أسْجُدُ فى ماءٍ و طِينٍ من صَبِيحَتِها ، فالتَمِسُوها فى العَشْرِ الأوَاخِرِ ، والتَمِسُوها فى كُلِّ وَتْرٍ . فمَطَرَتِ السَّماءُ تِلْكَ اللَّيْلَةَ ، و كانَ المَسْجِدُ عَلى عَرِيشٍ فوَكَفَ المَسْجِدُ فَبَصُرَتْ عَيْنَاىَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عَلى جَبْهَتِهِ أثَرُ الماءِ والطِّينِ مِنْ صُبْحِ إحْدَى و عِشْرِينَ .

CHAPTER. A menstruating woman is permitted to comb the hair of a Muʿtakif (i.e. a man in Iʿtikāf)......

باب الحَائِضِ تُرَجِّلُ المُعْتَكِفَ .

245. Narrated ʿAisha رضي الله عنها : The Prophet ﷺ used to bend his head to me while he was in Iʿtikāf in the mosque, and I would comb and oil his hair while I had menses.

٢٤٥ - حدَّثنا مُحمَّدُ بنُ المُثَنَّى: حدَّثنا يَحْيَى، عَنْ هِشامٍ، قالَ: أخْبرَني أبي، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ النَّبيُّ صلى اللهُ عليهِ وسلم يُصْغي إلَيَّ رَأسَهُ وهُوَ مُجاوِرٌ في المَسْجِدِ فأُرَجِّلُهُ وأنا حائِضٌ.

CHAPTER. (A Muʿtakif is) not (allowed) to enter the house except for some need.

باب لا يَدْخُلُ البَيْتَ إلَّا لِحاجَةٍ.

246. Narrated ʿAisha رضي الله عنها, the wife of the Prophet ﷺ : Allah's Apostle ﷺ used to let his head in (the house) while he was in the mosque and I would comb and oil his hair. When in Iʿtikāf he used not to enter the house except for a need. (1)

٢٤٦ - حدَّثنا قُتَيْبَةُ: حدَّثنا لَيْثٌ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ وعَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ: أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها زَوْجَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَتْ: وإنْ كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم لَيُدْخِلُ عَلَيَّ رَأسَهُ وهُوَ في المَسْجِدِ فأُرَجِّلُهُ، وكانَ لا يَدْخُلُ البَيْتَ إلَّا لِحاجَةٍ إذا كانَ مُعْتَكِفًا.

CHAPTER. The taking of a bath by a Muʿtakif.

باب غَسْلِ المُعْتَكِفِ.

247. Narrated ʿAisha رضي الله عنها : The Prophet ﷺ used to embrace me during my menses and used to put his head out of the mosque while he was in Iʿtikāf, and I would wash it while I had menses.

٢٤٧ - حدَّثنا مُحمَّدُ بنُ يُوسُفَ: حدَّثنا سُفْيانُ، عَنْ مَنْصُورٍ، عَنْ إبْراهِيمَ، عَنِ الأسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ النَّبِيُّ

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(1) Such need may be to answer the call of nature and performing ablution. Scholars differ as to whether it is permissible also for a Muʿtakif to eat or drink outside the mosque. (Fatḥ-ul-Bārī, Vol. 5, p. 178)

CHAPTER. The Iᶜtikāf at night (only).

248. Narrated Ibn ᶜUmar رضي الله عنهما :

ᶜUmar رضي الله عنه asked the Prophet ﷺ, "I vowed in the Pre-Islamic Ignorant Period to stay in Iᶜtikāf for one night in Al-Masjid-al-Ḥarām." The Prophet ﷺ said to him, "Fulfil your vow."

CHAPTER. Women's Iᶜtikāf. (A Woman cannot practise Iᶜtikāf except through the permission of her husband)...

249. Narrated ᶜAmra: ᶜĀisha رضي الله عنها said, "The Prophet ﷺ used to practise Iᶜtikāf in the last ten days of Ramaḍān and I used to pitch a tent for him, and after offering the morning prayer, he used to enter the tent." Ḥafṣa asked the permission of ᶜĀisha to pitch a tent for her and she allowed her and she pitched her tent. When Zainab bint Jaḥsh saw it, she pitched another tent. In the morning the Prophet ﷺ noticed the tents. He said, "What is this?" He was told of the whole situation. Then the Prophet ﷺ said, "Do you think that they intended to do righteousness by doing this?" He

صلى اللهُ عليه وسلَّم يُباشِرُنى و أنا حائضٌ ، و كانَ يُخرِجُ رَأسَهُ مِنَ المَسْجِدِ و هُوَ مُعْتَكِفٌ فأغْسِلُهُ و أنا حائضٌ .

بابُ الاعْتِكافِ لَيْلاً .

٢٤٨ - حدَّثنا مُسَدَّدٌ : حدَّثنى يَحْيَى ابنُ سَعيدٍ ، عَنْ عُبَيْدِ اللهِ : أخبرَنى نافعٌ ، عَنِ ابنِ عُمَرَ رَضِىَ اللهُ عَنْهُما . أنَّ عُمَرَ سَألَ النَّبِىَّ صلى اللهُ عليه وسلَّم قالَ : كُنْتُ نَذَرْتُ فى الجاهِلِيَّةِ أنْ أعْتَكِفَ لَيْلَةً فى المَسْجِدِ الحَرامِ ، قالَ : أوْفِ بِنَذْرِكَ .

بابُ اعْتِكافِ النِّساءِ .

٢٤٩ - حدَّثنا أبُو النُّعْمانِ : حدَّثنا حَمَّادُ بنُ زَيْدٍ : حدَّثنا يَحْيَى ، عَنْ عَمْرَةَ ، عَنْ عائِشَةَ رَضِىَ اللهُ عَنْها قالَتْ : كانَ النَّبِىُّ صلى اللهُ عليه وسلَّم يَعْتَكِفُ فى العَشْرِ الأواخِرِ مِنْ رَمَضانَ ، فَكُنْتُ أضْرِبُ لَهُ خِباءً فَيُصَلِّى الصُّبْحَ ثُمَّ يَدْخُلُهُ . فاسْتَأْذَنَتْ حَفْصَةُ عائِشَةَ أنْ تَضْرِبَ خِباءً فَأذِنَتْ لَها فَضَرَبَتْ خِباءً . فَلَمَّا رَأتْهُ زَيْنَبُ ابْنَةُ جَحْشٍ ضَرَبَتْ خِباءً آخَرَ . فَلَمَّا أصْبَحَ النَّبِىُّ صلى الله

therefore abandoned the Iʿtikaf in that month and practised Iʿtikaf for ten days in the month of S̲hawwāl."

عليه وسلَّم رأى الأخْبِيَةَ فقالَ: ما هذا؟ فأُخْبِرَ، فقالَ النَّبِيُّ صلى الله عليه وسلَّم: آلبِرَّ تُرَوْنَ بِهِنَّ؟ فتَرَكَ الاعْتِكافَ ذلكَ الشَّهرَ، ثُمَّ اعْتَكَفَ عَشْرًا مِنْ شَوَّالٍ.

CHAPTER. The tents in the mosque.

باب الأخْبِيَةِ في المَسْجِدِ.

250. Narrated ʿAis̲ha ؓ : The Prophet ﷺ intended to practise Iʿtikāf and when he reached the place where he intended to perform Iʿtikāf, he saw some tents, the tents of ʿAis̲ha, Ḥafṣa and Zainab. So, he said, "Do you say that they intended to do righteousness by doing this?" And then he went away and did not perform Iʿtikaf (in Ramaḍān) but performed it in the month of Shawwal for ten days.

٢٥٠ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخبرَنا مالكٌ، عَنْ يَحْيَى بنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أنَّ النَّبِيَّ صلى الله عليه وسلَّم أرادَ أنْ يَعْتَكِفَ فَلَمَّا انْصَرَفَ إلى المَكانِ الَّذي أرادَ أنْ يَعْتَكِفَ. إذا أخْبِيَةٌ، خِباءُ عائِشَةَ وخِباءُ حَفْصَةَ، وخِباءُ زَيْنَبَ، فقالَ: آلْبِرَّ تَقُولُونَ بِهِنَّ؟ ثُمَّ انْصَرَفَ فلَمْ يَعْتَكِفْ حتَّى اعْتَكَفَ عَشْرًا مِنْ شَوَّالٍ.

CHAPTER. Can a Muʿtakif go to the gate of the mosque for a need?

باب هَلْ يَخْرُجُ المُعْتَكِفُ لِحَوائِجِهِ إلى بابِ المَسْجِدِ؟.

251. Narrated Alī bin Al-Ḥusain ؓ Safiya, the wife of the Prophet ﷺ told me that she went to Allāh's Apostle ﷺ to visit him in the mosque while he was in Iʿtikāf in the last ten days of Ramaḍān. She had a talk with him for a while, then she got up in order to return home. The Prophet ﷺ accompanied her. When

٢٥١ - حدَّثَنا أبُو اليمانِ: أخبرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أخبرَني عَلِيُّ بنُ الحُسَيْنِ رَضِيَ اللهُ عَنْهُما أنَّ صَفِيَّةَ زَوْجَ النَّبِيِّ صلى الله عليه وسلَّم أخبرَتْهُ أنَّها جاءَتْ رَسُولَ اللهِ صلى الله عليه وسلَّم تَزُورُهُ في اعْتِكافِهِ في المَسْجِدِ

they reached the gate of the mosque, opposite the door of Um-Salama, two Ansari men were passing by and they greeted Allāh's Apostle ﷺ. He told them : Do not run away ! And said, "She is Safiya bint Huyai." Both of them said, "Subhān Allāh, (How dare we think of any evil) O Allāh's Apostle !" And they felt it. The Prophet ﷺ said (to them), "Satan circulates everywhere in one's mind as blood circulates everywhere in one's body. I was afraid lest Satan might insert an evil thought in your minds."

CHAPTER. The I tikaf and the coming of the Prophet ﷺ out of I tikaf in the morning of the twentieth.

252. Narrated Abū Salama bin ʿAbdur-Rahmān : I asked Abū Saʿid Al-Khudri, "Did you hear Allāh's Apostle ﷺ talking about the Night of Qadr ?" He replied in the affirmative and said, "Once we were in I tikaf with Allāh's Apostle ﷺ in the middle ten days of (Ramadān) and we came out of it in the morning of the twentieth, and Allāh's Apostle ﷺ delivered a sermon on the 20th (of Ramadān) and said, 'I was informed (of the date) of the Night of Qadr (in my dream) but had forgotten it. So, look for it in the odd nights of the last ten nights of the month of Ramadān. I saw myself

فِى الْعَشْرِ الأَوَاخِرِ مِنْ رَمَضَانَ ، فَتَحَدَّثَتْ عِنْدَهُ سَاعَةً ثُمَّ قَامَتْ تَنْقَلِبُ ، فَقَامَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم مَعَهَا يَقْلِبُهَا حَتَّى إِذَا بَلَغَتْ بَابَ الْمَسْجِدِ عِنْدَ بَابِ أُمِّ سَلَمَةَ مَرَّ رَجُلانِ مِنَ الأَنْصَارِ فَسَلَّمَا عَلَى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم ، فَقَالَ لَهُمَا النَّبِىُّ صلى اللهُ عليهِ وسلَّم : عَلَى رِسْلِكُمَا ، إِنَّمَا هِىَ صَفِيَّةُ بِنْتُ حُيَىٍّ ، فَقَالا : سُبْحَانَ اللهِ يَا رَسُولَ اللهِ ، وَكَبُرَ عَلَيْهِمَا . فَقَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم : إِنَّ الشَّيْطَانَ يَبْلُغُ مِنَ الإِنْسَانِ مَبْلَغَ الدَّمِ ، وَإِنِّى خَشِيتُ أَنْ يَقْذِفَ فِى قُلُوبِكُمَا شَيْئًا .

بابُ الاعْتِكَافِ وخُرُوجِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم صَبِيحَةَ عِشْرِينَ .

٢٥٢ - حدَّثَنِى عَبْدُ اللهِ بنُ مُنِيرٍ : سَمِعَ هَارُونَ بنَ إِسْمَاعِيلَ : حدَّثنا عَلِىُّ بنُ المُبَارَكِ قَالَ : حدَّثَنِى يَحْيَى بنُ أَبِى كَثِيرٍ قَالَ : سَمِعْتُ أَبَا سَلَمَةَ بنَ عَبْدِ الرَّحْمَنِ قَالَ : سَأَلْتُ أَبَا سَعِيدٍ الخُدْرِىَّ قُلْتُ : هَلْ سَمِعْتَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَذْكُرُ لَيْلَةَ القَدْرِ ؟ قَالَ : نَعَمْ ، اعْتَكَفْنَا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم العَشْرَ الأَوْسَطَ مِنْ رَمَضَانَ ، قَالَ : فَخَرَجْنَا صَبِيحَةَ عِشْرِينَ ، قَالَ فَخَطَبَنَا رَسُولُ

prostrating in mud and water on that night (as a sign of the Night of Qadr). So, whoever had been in Iʿtikāf with Allāh's Apostle ﷺ should return for it.' The people returned to the mosque (for Iʿtikāf) while there was no trace of clouds in the sky. But all of a sudden a cloud came and it rained. Then the prayer was established (they stood for the prayer) and Allāh's Apostle ﷺ prostrated in mud and water and I saw mud on the forehead and nose of the Prophet ﷺ.

اللهِ صلى اللهُ عليهِ وسلَّم صَبِيحَةَ عِشْرِينَ فقَالَ: إنِّى أُرِيتُ لَيْلَةَ القَدْرِ و إنى نَسِيتُها، فالتمِسُوها فى العَشْرِ الأَوَاخِرِ فى وِتْرٍ فإنِّى رَأيتُ أنى أسْجُدُ فى ماءٍ و طِينٍ. و مَنْ كانَ اعتَكَفَ معَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَلْيَرْجِعْ، فرَجَعَ النَّاسُ إلى المَسْجِدِ وما نَرَى فى السَّماءِ قَزَعةً، قالَ: فجاءَتْ سَحابَةٌ فمَطَرَتْ و أُقِيمَتِ الصَّلاةُ فسَجَدَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فى الطِّينِ والماءِ، حتَّى رَأيْتُ الطِّينَ فى أرْنَبَتِهِ و جَبْهَتِهِ.

CHAPTER. The Iʿtikāf of a (Mustaḥāḍa) woman who has bleeding in between her periods.

بابُ اعتِكافِ المُسْتَحاضَةِ.

253. Narrated ʿAisha رضي الله عنها: One of the wives of Allāh's Apostle ﷺ practised Iʿtikāf with him while she had bleeding in between her periods and she saw red (blood) or yellowish traces, and sometimes we put a tray beneath her when she offered the prayer.

٢٥٣ - حدَّثَنا قُتَيْبَةُ: حدَّثَنا يَزِيدُ ابنُ زُرَيْعٍ، عَنْ خالِدٍ، عَنْ عِكْرِمَةَ، عَنْ عائِشَةَ رَضِىَ اللهُ عَنْها قالَتْ: اعْتَكَفَتْ مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم امْرَأةٌ مُسْتَحاضَةٌ مِنْ أزْواجِهِ فكانَتْ تَرَى الحُمْرَةَ والصُّفْرَةَ، فرُبَّما وَضَعْنا الطَّسْتَ تَحْتَها و هىَ تُصَلِّى.

CHAPTER. The visit of the wife to her husband while he is in Iʿtikāf.

بابُ زِيارَةِ المَرْأةِ زَوْجَها فى اعتِكافِهِ.

254. Narrated ʿAli bin Al-Ḥusain (from Ṣafiya, the Prophet's wife): The wives of the Prophet ﷺ were with him in the mosque (while he was in

٢٥٤ - حدَّثَنا سَعِيدُ بنُ عُفَيْرٍ قالَ: حدَّثَنِى اللَّيْثُ قالَ: حدَّثَنِى عَبْدُ الرَّحْمٰنِ ابنُ خالِدٍ، عَنِ ابنِ شِهابٍ، عَنْ عَلِىِّ بنِ

Iʿtikāf) and then they departed and the Prophet ﷺ said to Ṣafiya bint Ḥuyai, "Don't hurry up, for I shall accompany you," (and her dwelling was in the house of Usāma). The Prophet ﷺ went out and in the meantime two Anṣāri men met him and they looked at the Prophet ﷺ and passed by. The Prophet ﷺ said to them, "Come on. She is (my wife) Ṣafiya bint Ḥuyai." They replied, "Subḥān Allāh, (How dare we think of evil) O Allāh's Apostle! (we never expect anything bad from you)." The Prophet ﷺ replied, "Satan circulates in the human being as blood circulates in the body, and I was afraid lest Satan might insert an evil thought in your minds."

CHAPTER. Is it permissible for the Muʿtakif to defend himself (by speech or action)?

255. Narrated ʿAli bin Al-Ḥusain from Ṣafiya: Ṣafiya went to the Prophet ﷺ while he was in Iʿtikāf. When she returned, the Prophet ﷺ accompanied her walking. An Anṣāri man saw him. When the Prophet ﷺ noticed him, he called him and said, "Come on. She is Ṣafiya. (Sufyān a sub-narrator perhaps said that the Prophet ﷺ had said,

الحُسَيْنِ: أنَّ صَفِيَّةَ زَوْجَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم أخْبَرَتْهُ ح و حدَّثنى عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا هِشامٌ: أخْبَرَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عَلِيِّ بنِ الحُسَيْنِ: كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فى المَسْجِدِ و عِنْدَهُ أزْوَاجُهُ فَرُحْنَ. فَقالَ لِصَفِيَّةَ بِنْتِ حُيَيٍّ: لا تَعْجَلِى حتَّى أنْصَرِفَ مَعَكِ، و كانَ بَيْتُها فى دارِ أُسامَةَ. فَخَرَجَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم مَعَها فَلَقِيَهُ رَجُلانِ مِنَ الأنْصارِ فَنَظَرَ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم ثُمَّ أجازَا. و قالَ لهُما النَّبِيُّ صلى اللهُ عليهِ وسلَّم: تَعالَيا، إنَّها صَفِيَّةُ بِنْتُ حُيَيٍّ فَقالا: سُبْحانَ اللهُ يا رَسُولَ اللهِ. قالَ: إنَّ الشَّيْطانَ يَجْرِى مِنَ الإنْسانِ مَجْرَى الدَّمِ، و إنِّى خَشِيتُ أنْ يُلْقِى فى أنْفُسِكُما شَيْئًا.

بابٌ هَلْ يَدْرَأُ المُعْتَكِفُ عَنْ نَفْسِهِ ؟.

٢٥٥ ـ حدَّثَنا إسمَاعِيلُ بنُ عَبْدِ اللهِ قالَ: أخْبَرَنى أخِى عَنْ سُلَيمانَ، عَنْ مُحَمَّدِ بنِ أبى عَتِيقٍ. عَنِ الزُّهْرِيِّ، عَنْ على بنِ حُسَيْنٍ رَضِيَ اللهُ عَنْهُما: أنَّ صَفِيَّةَ أخْبَرَتْهُ ح. و حدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ حدَّثَنا سُفْيانُ قالَ: سَمِعْتُ الزُّهْرِيَّ يُخْبِرُ عَنْ عَلِيِّ بنِ الحُسَيْنِ:

"This is Ṣafiya"). And Satan circulates in the body of Adam's son as his blood circulates in it."

(A sub-narrator asked Sufyān, "Did Ṣafiya visit him at night?" He said, "Of course, at night.")

أنَّ صَفِيَّةَ رَضِيَ اللهُ عَنْهَا أتَتِ النَّبِيَّ صلى اللهُ عليهِ وسلَّم وهُوَ مُعْتَكِفٌ، فلَمَّا رَجَعَتْ مَشَى مَعَهَا فأبْصَرَهُ رَجُلٌ مِنَ الأنْصَارِ فلَمَّا أبْصَرَهُ دَعَاهُ فَقالَ: تَعالَ، هِيَ صَفِيَّةُ. ورُبَّما قالَ سُفْيانُ هذهِ صَفِيَّةُ فإنَّ الشَّيْطانَ يَجْرِي مِنَ ابنِ آدَمَ مَجْرَى الدَّمِ. قُلْتُ لِسُفْيانَ: أتَتْهُ لَيْلاً؟ قالَ: وهَلْ هُوَ إلاَّ لَيْلاً؟

CHAPTER. Whoever went out of his Iʿtikāf in the morning.

بابُ مَنْ خَرَجَ مِنْ اعْتِكافِهِ عِنْدَ الصُّبْحِ.

256. Narrated Abu Saʿīd ؓ: We practised Iʿtikāf with Allāh's Apostle ﷺ in the middle ten days (of Ramaḍān). In the morning of the twentieth (of Ramaḍān) we shifted our baggage, but Allāh's Apostle ﷺ came to us and said, "Whoever was in Iʿtikāf should return to his place of Iʿtikāf, for I saw (i.e. was informed about the date of) this Night (of Qadr) and saw myself prostrating in mud and water." When I returned to my place the sky was overcast with clouds and it rained. By Him Who sent Muḥammad ﷺ with the Truth, the sky was covered with clouds from the end of that day, and the mosque which was roofed with leaf-stalks of date palm trees (leaked with rain) and I saw the trace of mud and water over the nose of the Prophet ﷺ and its tip.

٢٥٦ - حدَّثَنا عَبْدُ الرَّحْمَنِ بنُ بِشْرٍ: حدَّثَنا سُفْيانُ، عَنْ ابنِ جُرَيْجٍ، عَنْ سُلَيْمانَ الأحْوَلِ خالِ ابنِ أبي نَجِيحٍ، عَنْ أبي سَلَمَةَ، عَنْ أبي سَعِيدٍ ح. قالَ سُفْيانُ: وحدَّثَنا مُحَمَّدُ بنُ عَمْرٍو، عَنْ أبي سَلَمَةَ، عَنْ أبي سَعِيدٍ قالَ: وأظُنُّ أنَّ ابنَ لَبِيدٍ حدَّثَنا عَنْ أبي سَلَمَةَ، عَنْ أبي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ: اعْتَكَفْنا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم العَشْرَ الأوْسَطَ فلَمَّا كانَ صَبِيحَةَ عِشْرِينَ نَقَلْنا مَتاعَنا فأتانا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: مَنْ كانَ اعْتَكَفَ فلْيَرْجِعْ إلى مُعْتَكَفِهِ فإنِّي رَأيْتُ هذِهِ اللَّيْلَةَ ورَأيْتُنِي أسْجُدُ في ماءٍ وطِينٍ. فلَمَّا رَجَعَ إلى مُعْتَكَفِهِ قالَ: وهاجَتِ السَّماءُ فمُطِرْنا فوَ الَّذِي بَعَثَهُ بالحَقِّ

لَقَدْ هاجَتِ السَّماءُ مِنْ آخِرِ ذلكَ اليَوْمِ ، وكانَ المَسْجِدُ عَرِيشًا فَلَقَدْ رَأَيْتُ عَلَى أَنْفِهِ وأَرْنَبَتِهِ أَثَرَ الماءِ والطِّينِ .

CHAPTER. Iʿtikāf in the month of Shawwāl.

بابُ الاعْتِكافِ فى شَوَّالٍ .

257. Narrated ʿAmra bint ʿAbdur-Raḥmān from ʿĀisha رضي الله عنها : Allāh's Apostle ﷺ used to practise Iʿtikāf every year in the month of Ramaḍān. And after offering the morning prayer, he used to enter the place of his Iʿtikāf. ʿĀisha asked his premission to let her practise Iʿtikāf and he allowed her, and so she pitched a tent in the mosque. When Ḥafṣa heard of that, she also pitched a tent (for herself), and when Zainab heard of that, she too pitched another tent. When, in the morning, Allāh's Apostle ﷺ had finished the morning prayer, he saw four tents and asked, " What is this ? " He was informed about it. He then said, " What made them do this? Is it righteousness ? Remove the tents, for I do not want to see them." So, the tents were removed. The Prophet ﷺ did not perform Iʿtikāf that year in the month of Ramaḍān, but did it in the last ten days of Shawwāl.

٢٥٧ - حدَّثنا مُحَمَّدٌ : حدَّثنا مُحَمَّدُ ابنُ فُضَيْلِ بنِ غَزْوانَ ، عَنْ يَحْيَى بنِ سَعِيدٍ ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ : كانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم يَعْتَكِفُ فى كُلِّ رَمَضانَ فإذا صَلَّى الغَداةَ دَخَلَ مَكانَهُ الَّذِي اعْتَكَفَ فِيهِ . قالَ : فاسْتَأْذَنَتْهُ عائِشَةُ أَنْ تَعْتَكِفَ فأَذِنَ لَها ، فَضَرَبَتْ فِيهِ قُبَّةً . فَسَمِعَتْ بِها حَفْصَةُ فَضَرَبَتْ قُبَّةً ، وسَمِعَتْ زَيْنَبُ بِها فَضَرَبَتْ قُبَّةً أُخْرَى . فَلَمَّا انْصَرَفَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم مِنَ الغَداةِ أَبْصَرَ أَرْبَعَ قِبابٍ فَقالَ : ما هذا ؟ فأُخْبِرَ خَبَرَهُنَّ فَقالَ : ما حَمَلَهُنَّ عَلَى هذا ؟ آلبِرُّ ؟ انْزِعُوها فَلا أَراها ، فَنُزِعَتْ . فَلَمْ يَعْتَكِفْ فى رَمَضانَ حَتَّى اعْتَكَفَ فى آخِرِ العَشْرِ مِنْ شَوَّالٍ .

CHAPTER. Whoever thinks that Iʿtikāf can be practised without fasting.

بابُ مَنْ لَمْ يَرَ عَلَيْهِ إذا اعْتَكَفَ صَوْمًا .

258. Narrated ʿAbdullāh bin ʿUmar

٢٥٨ - حدَّثنا إسْماعِيلُ بنُ عَبْدِ اللهِ ،

from ʿUmar bin Al-Khaṭṭāb ﵁ that he said, "O Allāh's Apostle! I vowed in the Pre-Islamic period to perform Iʿtikāf in Al-Masjid-al-Ḥarām for one night." The Prophet ﷺ said, "Fulfil your vow." So, he performed Iʿtikāf for one night.

عَنْ أَخِيهِ، عَنْ سُلَيْمَانَ، عَنْ عُبَيْدِ اللهِ ابْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ، عَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِىَ اللهُ عَنْهُ: أَنَّهُ قَالَ: يَا رَسُولَ اللهِ إِنِّى نَذَرْتُ فِى الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً فِى الْمَسْجِدِ الْحَرَامِ، فَقَالَ لَهُ النَّبِىُّ صلى اللهُ عليه وسلَّم: أَوْفِ نَذْرَكَ، فَاعْتَكَفَ لَيْلَةً.

CHAPTER. Whoever made a vow in the Pre-Islamic period to perform Iʿtikāf and then embraced Islam.

بابٌ إِذَا نَذَرَ فِى الْجَاهِلِيَّةِ أَنْ يَعْتَكِفَ ثُمَّ أَسْلَمَ.

259. Narrated Ibn ʿUmar that ʿUmar had vowed in the Pre-Islamic period to perform Iʿtikāf in Al-Masjid-al-Ḥarām. (A sub-narrator thinks that ʿUmar vowed to perform Iʿtikāf for one night.) Allāh's Apostle ﷺ said to ʿUmar, "Fulfil your vow."

٢٥٩ - حَدَّثَنَا عُبَيْدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ عُبَيْدِ اللهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ عُمَرَ رَضِىَ اللهُ عَنْهُ نَذَرَ فِى الْجَاهِلِيَّةِ أَنْ يَعْتَكِفَ فِى الْمَسْجِدِ الْحَرَامِ، قَالَ: أُرَاهُ قَالَ لَيْلَةً. قَالَ لَهُ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم أَوْفِ بِنَذْرِكَ.

CHAPTER. Iʿtikāf in the middle ten days of Ramaḍān.

بابُ الاعْتِكَافِ فِى الْعَشْرِ الأَوْسَطِ مِنْ رَمَضَانَ.

260. Narrated Abū Huraira ﵁: The Prophet ﷺ used to perform Iʿtikāf every year in the month of Ramaḍān for ten days, and when it was the year of his death, he stayed in Iʿtikāf for twenty days.

٢٦٠ - حَدَّثَنَا عَبْدُ اللهِ بْنُ أَبِى شَيْبَةَ: حَدَّثَنَا أَبُو بَكْرٍ، عَنْ أَبِى حَصِينٍ، عَنْ أَبِى صَالِحٍ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قَالَ: كَانَ النَّبِىُّ صلى اللهُ عليه وسلَّم

يَعْتَكِفُ فى كُلِّ رَمَضَانَ عَشَرَةَ أَيَّامٍ، فَلَمَّا كَانَ العامُ الَّذى قُبِضَ فِيهِ اعْتَكَفَ عِشْرِينَ يَوْمًا.

CHAPTER. Whoever intended to practise Iʿtikāf and then changed his mind.

بَابُ مَنْ أَرَادَ أَنْ يَعْتَكِفَ ثُمَّ بَدَا لَهُ أَنْ يَخْرُجَ.

261. Narrated ʿAmra bint ʿAbdur-Raḥmān from ʿAisha ﵂ : Allāh's Apostle ﷺ mentioned that he would practise Iʿtikāf in the last ten days of Ramaḍān. ʿAisha asked his permission to perform Iʿtikāf and he permitted her. Ḥafṣa asked ʿAisha to take his permission for her, and she did so. When Zainab bint Jaḥsh saw that, she ordered a tent to be pitched for her and it was pitched for her. Allāh's Apostle ﷺ used to proceed to his tent after the prayer. So, he saw the tents and asked, "What is this?" He was told that those were the tents of ʿAisha, Ḥafṣa and Zainab. Allāh's Apostle ﷺ said, "Is it righteousness which they intended by doing so? I am not going to perform Iʿtikāf." So, he returned home. When the fasting month was over, he performed Iʿtikāf for ten days in the month of Shawwāl.

٢٦١ - حَدَّثَنَا مُحَمَّدُ بنُ مُقَاتِلٍ أَبُو الحَسَنِ: أَخبَرَنَا عَبْدُ اللهِ: أَخبَرَنَا الأَوْزَاعِىُّ قَالَ: حَدَّثَنِى يَحْيَى بنُ سَعِيدٍ قَالَ: حَدَّثَتْنِى عَمْرَةُ بِنْتُ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ رَضِىَ اللهُ عَنْهَا: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم ذَكَرَ أَنْ يَعْتَكِفَ العَشْرَ الأَوَاخِرَ مِنْ رَمَضَانَ، فاسْتَأْذَنَتْهُ عائِشَةُ فَأَذِنَ لَهَا. وسَأَلَتْ حَفْصَةُ عائِشَةَ أَنْ تَسْتَأْذِنَ لَهَا فَفَعَلَتْ، فَلَمَّا رَأَتْ ذلِكَ زَيْنَبُ ابْنَةُ جَحْشٍ أَمَرَتْ بِبِنَاءٍ فَبُنِىَ لَهَا. قَالَتْ: وكَانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم إِذَا صَلَّى انْصَرَفَ إِلَى بِنَائِهِ فَبَصُرَ بالأَبْنِيَةِ فَقَالَ: ما هذَا؟ قَالُوا: بِنَاءُ عائِشَةَ وحَفْصَةَ وزَيْنَبَ، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: آلْبِرَّ أَرَدْنَ بِهذَا؟ ما أَنا بِمُعْتَكِفٍ، فَرَجَعَ. فَلَمَّا أَفْطَرَ اعْتَكَفَ عَشْرًا مِنْ شَوَّالٍ.

CHAPTER. A Muᶜtakif can let his head in the house for washing.

262. Narrated ᶜUrwa : ᶜĀisha used to comb and oil the hair of the Prophet ﷺ while she was menstruating and he was in Iᶜtikāf in the mosque. He would introduce his head towards her while she was in her chamber.

بَابٌ المُعْتَكِفِ يُدْخِلُ رَأْسَهُ البَيْتَ لِلغُسْلِ .

٢٦٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ مُحَمَّدٍ : حَدَّثَنَا هِشَامٌ : أَخْبَرَنَا مَعْمَرٌ ، عَنِ الزُّهْرِيِّ عَنْ عُرْوَةَ ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا : أَنَّهَا كَانَتْ تُرَجِّلُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم و هيَ حَائِضٌ و هُوَ مُعْتَكِفٌ في المَسْجِدِ و هيَ في حُجْرَتِهَا يُنَاوِلُهَا رَأْسَهُ .

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF SALES (BARGAINS):

CHAPTER. And the Statement of Allāh تعالى :

> "And Allāh has permitted trade and forbidden Ribā." (1) (2 : 275)

And His Statement :—

> 'But if it is a transaction which you carry out on the spot among yourselves, (then there is no harm if you don't write it).' (2 : 282)

CHAPTER. What has come in the Statement of Allāh تعالى :—

> 'And when the prayer is finished
> Then disperse through the land
> And seek the bounty of Allāh
> ...... (to the end of the Sūra).'
> (62 : 10)

And also His Statement :—

> 'Eat not up your property, among yourselves through unfair means but let there be amongst you a trade by mutual goodwill and agreement.' (4 : 29)

263. Narrated Abū Huraira رضي الله عنه : You people say that Abū Huraira tells

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

كتاب البيوع

وقولُ اللهِ تعالى : - وأحلَّ اللهُ البيعَ وحرَّمَ الرِّبا - وقولُهُ - إلاَّ أنْ تكونَ تجارةً حاضرةً تُديرونَها بينَكُم - .

بابُ ما جاءَ في قولِ اللهِ تعالى - فإذا قُضِيَتِ الصَّلاةُ فانتشِروا في الأرضِ وابتغُوا مِنْ فضلِ اللهِ - إلى آخرِ السُّورةِ . وقولِهِ - لا تأكُلُوا أموالَكُم بينَكُم بالباطلِ إلاَّ أنْ تكونَ تجارةً عنْ تراضٍ منكُم - .

٢٦٣ - حدَّثنا أبُو اليمانِ قالَ : حدَّثنا شُعَيْبٌ عنِ الزُّهْرِيِّ قالَ : أخبرَني

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(1) See the glossary.

many narrations from Allāh's Apostle ﷺ and you also wonder why the emigrants and Anṣār do not narrate from Allāh's Apostle ﷺ as Abū Huraira does. My emigrant brothers were busy in the market while I used to stick to Allāh's Apostle ﷺ content with what fills my stomach; so I used to be present if they were absent and I used to remember if they forgot, and my Anṣārī brothers used to be busy with their properties and I was one of the poor men of Ṣuffa. I used to remember the narrations if they forgot. No doubt, Allāh's Apostle ﷺ once said, "Whoever spreads his garment till I have finished my present speech and then gathers it to himself, will remember whatever I will say." So, I spread my coloured garment which I was wearing till Allāh's Apostle ﷺ had finished his saying, and then I gathered it to my chest. So, I did not forget any of that narrations.

سَعِيدُ بْنُ الْمُسَيَّبِ وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ: أَنَّ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: إِنَّكُمْ تَقُولُونَ إِنَّ أَبَا هُرَيْرَةَ يُكْثِرُ الْحَدِيثَ عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، وَتَقُولُونَ: مَا بَالُ الْمُهَاجِرِينَ وَالْأَنْصَارِ لَا يُحَدِّثُونَ عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم بِمِثْلِ حَدِيثِ أَبى هُرَيْرَةَ؟ وَإِنَّ إِخْوَتى مِنَ الْمُهَاجِرِينَ كَانَ يَشْغَلُهُمُ الصَّفْقُ بِالْأَسْوَاقِ، وَكُنْتُ أَلْزَمُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عَلَى مِلْءِ بَطْنى، فَأَشْهَدُ إِذَا غَابُوا، وَأَحْفَظُ إِذَا نَسُوا. وَكَانَ يَشْغَلُ إِخْوَتى مِنَ الْأَنْصَارِ عَمَلُ أَمْوَالِهِمْ وَكُنْتُ امْرَأً مِسْكِينًا مِنْ مَسَاكِينِ الصُّفَّةِ، أَعى حِينَ يَنْسَوْنَ. وَقَدْ قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فى حَدِيثٍ يُحَدِّثُهُ: إِنَّهُ لَنْ يَبْسُطَ أَحَدٌ ثَوْبَهُ حَتَّى أَقْضىَ مَقَالَتى هَذِهِ ثُمَّ يَجْمَعَ إِلَيْهِ ثَوْبَهُ إِلَّا وَعَى مَا أَقُولُ: فَبَسَطْتُ نَمِرَةً عَلَيَّ حَتَّى إِذَا قَضَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم مَقَالَتَهُ جَمَعْتُهَا إِلَى صَدْرى فَمَا نَسِيتُ مِنْ مَقَالَةِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم تِلْكَ مِنْ شَىْءٍ.

264. Narrated Ibrāhīm bin Saʿd from his father from his grand-father: ʿAbdur-Raḥmān bin ʿAuf ؓ said, "When we came to Medina as emigrants, Allāh's

٢٦٤ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللهِ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ أَبِيهِ عَنْ جَدِّهِ، قَالَ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ

Apostle ﷺ established brotherhood between me and Saʿd bin Ar-Rabīʿ. Saʿd bin Ar-Rabīʿ said (to me), 'I am the richest among the Anṣār, so I will give you half of my wealth. You may look at my two wives and whichever you choose I will divorce, and when she has completed the prescribed period (before marriage) you may marry her.' ʿAbdur-Raḥmān replied, 'I am not in need of all that. Is there any market-place where trade is carried on?' He replied, 'The market of Qanaiqāʿ.' ʿAbdur-Raḥmān went to that market the following day and brought some dried butter-milk (yoghurt) and butter, and then he continued going there regularly. Few days later, ʿAbdur-Raḥmān came with traces of scent on his body. Allāh's Apostle ﷺ asked him whether he had got married. He replied in the affirmative. The Prophet ﷺ said, 'Whom have you married?' He replied, 'A woman from the Anṣār.' Then the Prophet ﷺ asked, 'How much did you pay her?' He replied, '(I gave her) a gold piece equal in weight to a date stone (or a date stone of gold)! The Prophet ﷺ said, 'Give a wedding banquet even if with a sheep.' "

عَوْف رَضِيَ اللهُ عَنْهُ: لمَّا قَدِمْنا المَدِينَةَ آخَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم بَيْنِي وبَيْنَ سَعْدِ بنِ الرَّبِيعِ، فَقَالَ سَعْدُ بنُ الرَّبِيعِ: إنِّي أكْثَرُ الأنْصَارِ مالاً فأقْسِمُ لكَ نِصْفَ مالي، وانْظُرْ أيَّ زَوْجَتَيَّ هَوِيتَ نَزَلْتُ لكَ عَنْها، فإذَا حَلَّتْ تَزَوَّجْتَها. قالَ: فَقَالَ عَبْدُ الرَّحْمَنِ: لا حاجَةَ لي في ذلكَ، هَلْ مِنْ سُوقٍ فِيهِ تِجارَةٌ؟ قالَ: سُوقُ قَيْنُقَاعٍ. قالَ: فَغَدَا إلَيْهِ عَبْدُ الرَّحْمَنِ فأتَى بأقِطٍ وسَمْنٍ، قالَ: ثُمَّ تابَعَ الغُدُوَّ فمَا لَبِثَ أنْ جاءَ عَبْدُ الرَّحْمَنِ عَلَيْهِ أثَرُ صُفْرَةٍ. فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: تَزَوَّجْتَ؟ قالَ: نَعَمْ، قالَ: ومَنْ؟ قالَ: امْرَأةً مِنَ الأنْصَارِ. قالَ: كَمْ سُقْتَ؟ قالَ: زِنَةَ نَوَاةٍ مِنْ ذَهَبٍ أوْ نَوَاةً مِنْ ذَهَبٍ. فَقَالَ لَهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: أوْلِمْ ولوْ بِشاةٍ.

265. Narrated Anas ؓ: When ʿAbdur-Raḥmān bin ʿAuf came to Medīna, the Prophet ﷺ established brotherhood between him and Saʿd bin Ar-Rabīʿ al-Anṣārī. Saʿd was a rich man, so he said to ʿAbdur-Raḥmān, "I will give you half

٢٦٥ ـ حدَّثَنا أحْمَدُ بنُ يُونُسَ: حدَّثَنا زُهَيْرٌ: حدَّثَنا حُمَيْدٌ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: قَدِمَ عَبْدُ الرَّحْمَنِ ابنُ عَوْفٍ المَدِينَةَ فآخَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم بَيْنَهُ وبَيْنَ سَعْدِ

of my property and will help you marry." ʿAbdur-Raḥmān said (to him), "Allāh may bless you in your family and property. Show me the market." So ʿAbdur-Raḥmān did not return (from the market) till he gained some dried butter-milk (yoghurt) and butter (through trading). He brought that to his family. We stayed for sometime (or as long as Allāh wished), and then ʿAbdur-Raḥmān came, scented with yellowish perfume. The Prophet ﷺ said (to him), "What is this?" He replied, "I got married to an Anṣārī woman." The Prophet ﷺ asked, "What did you pay her?" He replied, "A gold stone or gold equal to the weight of a date stone." The Prophet ﷺ said (to him), "Give a wedding banquet even if with a sheep."

ابنِ الرَّبيعِ الأنصاريِّ، وكانَ سَعْدٌ ذا غِنًى فقالَ لِعَبْدِ الرَّحْمٰنِ: أُقاسِمُكَ مالي نِصْفَيْنِ، وأُزَوِّجُكَ. قالَ: بارَكَ اللهُ لكَ في أهلِكَ ومالِكَ، دُلُّوني على السُّوقِ. فما رَجَعَ حتّى اسْتَفْضَلَ أقِطًا وسَمْنًا فأتى بِهِ أهلَ مَنْزِلِهِ فمَكَثْنا يَسِيرًا أو ماشاءَ اللهُ فجاءَ وعَلَيْهِ وَضَرٌ مِنْ صُفْرَةٍ، فقالَ لَهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ: مَهْيَمْ، قالَ: يا رَسُولَ اللهِ، تَزَوَّجْتُ امْرَأةً مِنَ الأنصارِ. قالَ: ما سُقْتَ إليها؟ قالَ: نَواةً مِنْ ذَهَبٍ أوْ وَزْنَ نَواةٍ مِنْ ذَهَبٍ، قالَ: أوْلِمْ ولَوْ بِشاةٍ.

266. Narrated Ibn ʿAbbās رضي الله عنهما: ʿUkaẓ, Majanna and Dhul-Majāz were market-places in the Pre-Islamic Ignorant Period. When Islam came, Muslims felt that marketing there might be a sin. So, the Divine Inspiration came:—

> 'There is not harm for you to seek the bounty of your Lord (in the seasons of Ḥajj).' (2 : 198)

Ibn ʿAbbās recited the Verse in this way.

٢٦٦ - حدَّثَني عَبْدُ اللهِ بنُ مُحَمَّدٍ، حدَّثَنا سُفْيانُ، عَنْ عَمْرٍو عَنِ ابنِ عَبّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: كانَتْ عُكاظٌ ومَجَنَّةُ وذُو المَجازِ أسْواقًا في الجاهِلِيَّةِ، فلَمّا كانَ الإسلامُ فكأنَّهُمْ تأثَّمُوا فيهِ فنَزَلَتْ - لَيْسَ عَلَيْكُمْ جُناحٌ أنْ تَبْتَغُوا فَضْلًا مِنْ رَبِّكُمْ في مَواسِمِ الحَجِّ - قَرَأها ابنُ عَبّاسٍ.

CHAPTER. Legal and illegal things are clearly defined, and between them are some doubtful things.

بابٌ الحَلالُ بَيِّنٌ، والحَرامُ بَيِّنٌ، وبَيْنَهُما مُشْتَبِهاتٌ.

267. Narrated An-Nuʿmān bin Bashīr رضي الله عنه: The Prophet ﷺ said, "Legal

٢٦٧ - حدَّثَني مُحَمَّدُ بنُ المُثَنّى: حدَّثَني ابنُ أبي عَدِيٍّ، عَنِ ابنِ عَوْنٍ،

and illegal things are obvious, and between them are doubtful matters. He who does not do those doubtful deeds lest he should commit a sin, will definitely avoid what is clearly illegal; and he who indulges in the doubtful things bravely, is likely to commit what is clearly illegal. Sins are Allāh's Ḥima (i.e. private pasture) and whoever pastures (his sheep) near it, is likely to trespass upon it." (1)

عَنِ الشَّعْبِيِّ: سَمِعْتُ النُّعْمَانَ بنَ بَشِيرٍ رَضِيَ اللهُ عَنْهُ: سَمِعْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم. حدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا ابنُ عُيَيْنَةَ، عَنْ أبي فَرْوَةَ عَنِ الشَّعْبِيِّ قالَ: سَمِعْتُ النُّعْمانَ بنَ بَشِيرٍ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم ح و حدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا ابنُ عُيَيْنَةَ عَنْ أبي فَرْوَةَ قالَ: سَمِعْتُ الشَّعْبِيَّ: سَمِعْتُ النُّعْمانَ بنَ بَشِيرٍ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم ح حدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ: أخْبَرَنا سُفْيانُ، عَنْ أبي فَرْوَةَ، عَنِ الشَّعْبِيِّ، عَنِ النُّعْمانِ بنِ بَشِيرٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: الحَلالُ بَيِّنٌ، والحَرَامُ بَيِّنٌ، و بَيْنَهُما أُمُورٌ مُشْتَبِهَةٌ. فَمَنْ تَرَكَ ما شُبِّهَ عَلَيْهِ مِنَ الإِثْمِ كانَ لِمَا اسْتَبانَ أتْرَكَ، و مَنِ اجْتَرَأَ عَلَى ما يَشُكُّ فِيهِ مِنَ الإِثْمِ أوشَكَ أنْ يُوَاقِعَ ما اسْتَبانَ. والمَعَاصِي حِمَى اللهِ، مَنْ يَرْتَعْ حَوْلَ الحِمَى يُوشِكْ أنْ يُوَاقِعَهُ.

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(1) Man, here is compared to a shepherd ; his desires, to a flock of sheep ; sins, to a private pasture of somebody else ; doubtful matters to the region surrounding the pasture; and indulgence in doubtful matters to pasture in that region. To pasture there will probably lead the sheep to enter the private pasture, and the shepherd would be punished for grazing his sheep near the private pasture which led to such an obvious transgression.

CHAPTER. Explanation of doubtful things.

Ḥassān bin Abū Sinan said, "I found nothing easier than to be pious and Allāh-fearing; (to achieve this aim) leave all doubtful things and do what is completely clear of doubt."

بَابُ تَفْسِيرِ الْمُشَبَّهَاتِ ، وَ قَالَ

حَسَّانُ بنُ أبي سِنانٍ : ما رَأَيْتُ شَيْئًا
أَهْوَنَ مِنَ الوَرَعِ ، دَعْ ما يَرِيبُكَ إلى
ما لا يَرِيبُكَ .

268. Narrated ʿAbdullāh bin Abū Mulaika from ʿUqba bin Al-Ḥārith رضي الله عنه : A black woman came and claimed that she had suckled both of them (i.e. ʿUqba and his wife). So, he mentioned that to the Prophet ﷺ who turned his face from him and smiled and said, "How (can you keep your wife), and it was said (that both of you were suckled by the same woman)?" His wife was the daughter of Abū Ihāb-al-Tamīmī.

٢٦٨ - حَدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ :
أَخْبَرَنا سُفْيانُ : أَخْبَرَنا عَبْدُ اللهِ بنُ
عَبْدِ الرَّحْمَنِ بنِ أبي حُسَيْنٍ : حَدَّثَنا
عَبْدُ اللهِ بنُ أبي مُلَيْكَةَ ، عَنْ عُقْبَةَ
ابنِ الحَارِثِ رَضِيَ اللهُ عَنْهُ : أَنَّ امْرَأَةً
سَوْداءَ جاءَتْ فَزَعَمَتْ أَنَّها أَرْضَعَتْهُما ،
فَذَكَرَ لِلنَّبِيِّ صلى اللهُ عليهِ وسلَّم فأَعْرَضَ
عَنْهُ وتَبَسَّمَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم ،
قالَ : كَيْفَ وقَدْ قِيلَ وقَدْ كانَتْ تَحْتَهُ
ابْنَةُ أبي إهابٍ التَّمِيمِيِّ .

269. Narrated ʿĀisha رضي الله عنها : ʿUtba bin Abū Waqqāṣ took a firm promise from his brother Saʿd bin Abū Waqqāṣ to take the son of the slave-girl of Zamʿa into his custody as he was his (i.e. ʿUtba's) son. In the year of the Conquest (of Mecca) Saʿd bin Abū Waqqāṣ took him, and said that he was his brother's son, and his brother took a promise from him to that effect. ʿAbd bin Zamʿa got up and said, "He is my brother and the son of the slave-girl of my father and was born on my father's bed." Then they both went to the Prophet ﷺ

٢٦٩ - حَدَّثَنا يَحْيى بنُ قَزَعَةَ :
حَدَّثَنا مالِكٌ ، عَنِ ابنِ شِهابٍ ، عَنْ
عُرْوَةَ بنِ الزُّبَيْرِ ، عَنْ عائِشَةَ رَضِيَ اللهُ
عَنْها قالَتْ : كانَ عُتْبَةُ بنُ أبي وقَّاصٍ
عَهِدَ إلى أَخِيهِ سَعْدِ بنِ أبي وقَّاصٍ أَنَّ
ابنَ وَلِيدَةِ زَمْعَةَ مِنِّي فاقْبِضْهُ ، قالَتْ :
فَلَمَّا كانَ عامَ الفَتْحِ أَخَذَهُ سَعْدُ بنُ
أبي وقَّاصٍ وقالَ : ابنُ أَخِي قَدْ عَهِدَ إلَيَّ
فِيهِ ، فَقامَ عَبْدُ بنُ زَمْعَةَ فَقالَ : أَخِي
وابنُ وَلِيدَةِ أبي وُلِدَ على فِراشِهِ ،

Saᶜd said, "O Allāh's Apostle ! He is the son of my brother and he has taken a promise from me that I will take him." ᶜAbd bin Zamᶜa said, "(He is) my brother and the son of my father's slave-girl and was born on my father's bed." Allāh's Apostle ﷺ said, "The boy is for you, O ᶜAbd bin Zamᶜa." Then the Prophet ﷺ said, "The son is for the bed (i. e. the man on whose bed he was born) and stones (disappointment and deprivation) for the one who has done illegal sexual intercourse." The Prophet ﷺ told his wife Sauda bint Zamᶜa to observe veil before the boy as he noticed a similarity between the boy and ᶜUtba. So, the boy did not see her till he died. (1)

270. Narrated ᶜAdī bin Ḥātim ؓ : I asked Allāh's Apostle ﷺ about Al-Miᶜrāḍ (i.e. a sharp-edged piece of wood or a piece of wood provided with a piece of iron used for hunting). He replied. "If the game is hit by its sharp edge, eat it, and if it is hit by its broad side, do not eat it, for it has been beaten to death." I asked, "O Allāh's Apostle ! I release my dog by the name of Allāh and find with it at the game, another dog on sending which I have not mentioned the name of Allāh, and I do not know which one of them caught the game." Allāh's Apostle ﷺ said (to him), 'Don't eat it as you have

فَتَسَاوَقَا إلى النَّبِي صلى اللهُ عليهِ وسلَّم فَقَالَ سَعْدٌ: يا رَسُولَ اللهِ، ابنُ أخِي كانَ قَدْ عَهِدَ إلىَّ فِيهِ، فَقَالَ عَبْدُ بنُ زَمْعَةَ: أخِي و ابنُ وَلِيدَةِ أبي وُلِدَ عَلَى فِراشِهِ، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: هُوَ لكَ يا عَبْدَ بنَ زَمْعَةَ، ثُمَّ قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: الوَلَدُ للفِراشِ و للعاهِرِ الحَجَرُ. ثُمَّ قالَ لِسَوْدَةَ بِنْتِ زَمْعَةَ زَوْجِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: احْتَجِبِي مِنْهُ يا سَوْدَةُ، لَمَا رَأى مِنْ شَبَهِهِ بِعُتْبَةَ، فمَا رَآها حتَّى لَقِيَ اللهَ.

٢٧٠ ـ حدَّثَنا أبُو الوَلِيدِ : حدَّثَنا شُعْبَةُ قالَ: أخْبَرَنِي عَبْدُ اللهِ بنُ أبي السَّفَرِ، عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بنِ حاتِمٍ رَضِيَ اللهُ عَنْهُ، قَالَ: سألْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عنِ المِعْراضِ، فَقَالَ: إذا أصَابَ بِحَدِّهِ فَكُلْ، و إذا أصَابَ بِعَرْضِهِ فَقَتَلَ فَلَا تَأكُلْ فإنَّهُ وقِيذٌ. قُلْتُ: يا رَسُولَ اللهِ، أُرْسِلُ كَلْبِي و أُسَمِّي فأجِدُ مَعَهُ عَلَى الصَّيْدِ كَلْبًا آخَرَ لمْ أُسَمِّ عَلَيْهِ، ولا أدْرِي أيُّهما أخَذَ، قالَ: لا تأكُلْ، إنَّما سَمَّيْتَ عَلَى كَلْبِكَ ولم تُسَمِّ عَلَى الآخَرِ.

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(1) ᶜUtba commited adultery before the coming of Islam and before his death he declared that secret and confessed that the son of the slave-girl was his son. It is most probably that he died as a non-believer.

mentioned the name of Allāh on your dog and not on the other dog."

CHAPTER. What doubtful things should be avoided ?

271. Narrated Anas رضي الله عنه : The Prophet ﷺ passed by a fallen date and said, "Were it not for my doubt that this might have been given in charity, I would have eaten it." And narrated Abū Hurraira رضي الله عنه, the Prophet ﷺ said, "I found a date-fruit fallen on my bed."

CHAPTER. Whoever does not consider dark suggestions by one's soul or similar things are from doubtful things.

272. Narrated ʿAbbād bin Tamīm from his uncle : It was complained to the Prophet ﷺ, "One might feel something during one's prayer ; should one interrupt one's prayer ? " The Prophet ﷺ said, "You should not stop it unless you hear a sound or smell something." Narrated Ibn Abī Ḥafṣa from Az-Zuhri, "There is no need of repeating ablution unless you detect a smell or hear a sound."

باب ما يُتَنَزَّهُ مِنَ الشُّبهاتِ .

٢٧١ ـ حدَّثنا قَبِيصَةُ : حدَّثنا سُفْيانُ ، عَنْ مَنْصُورٍ ، عَنْ طَلْحَةَ ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ : مَرَّ النَّبِيُّ صلى اللهُ عليهِ وسلَّم بِتَمْرَةٍ مَسْقُوطَةٍ ، فَقالَ : لَوْلا أنْ تَكُونَ صَدَقَةً لأكَلْتُها . و قالَ هَمَّامٌ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : أجِدُ تَمْرَةً ساقِطَةً عَلَى فِراشِي .

باب مَنْ لم يرَ الوَساوِسَ ونحوَها مِنَ الشُّبهاتِ .

٢٧٢ ـ حدَّثنا أبُو نُعَيمٍ : حدَّثنا ابنُ عُيَيْنَةَ ، عَنِ الزُّهْرِيِّ ، عَنْ عَبَّادِ بنِ تَمِيمٍ ، عَنْ عَمِّهِ قالَ شُكِيَ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم الرَّجُلُ يَجِدُ فى الصَّلاةِ شَيْئًا ؛ أيَقْطَعُ الصَّلاةَ ؟ قالَ : لا ، حتَّى يَسْمَعَ صَوْتًا أو يَجِدَ رِيحًا . و قالَ ابنُ أبي حَفْصَةَ ، عَنِ الزُّهْرِيِّ : لا وُضُوءَ إلاَّ فِيما وجَدْتَ الرِّيحَ أو سَمِعْتَ الصَّوْتَ .

273. Narrated ʿAisha ؓ : Some people said, "O Allāh's Apostle! Meat is brought to us by some people and we are not sure whether the name of Allāh has been mentioned on it or not (at the time of slaughtering the animals)." Allāh's Apostle ﷺ said (to them), "Mention the name of Allāh and eat it."

٢٧٣ - حَدَّثَنَا أَحْمَدُ بْنُ الْمِقْدَامِ الْعِجْلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ الطُّفَاوِيُّ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا: أَنَّ قَوْمًا قَالُوا: يَا رَسُولَ اللهِ، إِنَّ قَوْمًا يَأْتُونَنَا بِاللَّحْمِ لَا نَدْرِي أَذَكَرُوا اسْمَ اللهِ عَلَيْهِ، أَمْ لَا: فَقَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: سَمُّوا اللهَ عَلَيْهِ وَكُلُوهُ.

CHAPTER. The Statement of Allāh —: عَزَّ وَجَلَّ

'But when they see
Some bargain or some
Amusement, they disperse,
Headlong to it ....' (62 : 11)

بَابُ قَوْلِ اللهِ عَزَّ وَجَلَّ - وَإِذَا رَأَوْا تِجَارَةً أَوْ لَهْوًا انْفَضُّوا إِلَيْهَا - .

274. Narrated Jābir ؓ : While we were offering the prayer with the Prophet ﷺ a caravan carrying food came from Shaʾm. The people looked towards the caravan (and went to it) and only twelve persons remained with the Prophet ﷺ . So, the Divine Inspiration came; "But when they see some bargain or some amusement, they disperse headlong to it."

٢٧٤ - حَدَّثَنَا طَلْقُ بْنُ غَنَّامٍ: حَدَّثَنَا زَائِدَةُ، عَنْ حُصَيْنٍ، عَنْ سَالِمٍ قَالَ: حَدَّثَنِي جَابِرٌ رَضِيَ اللهُ عَنْهُ قَالَ: بَيْنَمَا نَحْنُ نُصَلِّي مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم: إِذْ أَقْبَلَتْ مِنَ الشَّامِ عِيرٌ تَحْمِلُ طَعَامًا فَالْتَفَتُوا إِلَيْهَا حَتَّى مَا بَقِيَ مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم إِلَّا اثْنَا عَشَرَ رَجُلًا، فَنَزَلَتْ. - وَإِذَا رَأَوْا تِجَارَةً أَوْ لَهْوًا انْفَضُّوا إِلَيْهَا - .

CHAPTER. The one who does not care from where he earns his money (i. e. whether through legal or illegal ways).

بَابُ مَنْ لَمْ يُبَالِ مِنْ حَيْثُ كَسَبَ الْمَالَ.

275. Narrated Abū Huraira ؓ :

٢٧٥ - حَدَّثَنَا آدَمُ: حَدَّثَنَا ابْنُ

The Prophet ﷺ said, "A time will come when one will not care how one gains one's money, legally or illegally."

أبي ذِئْبٍ: حدَّثنا سَعِيدٌ المَقْبُرِيُّ، عَنْ
أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ
صلى اللهُ عليهِ وسلَّم قالَ: يَأْتي عَلى النَّاسِ
زَمانٌ لا يُبالي المَرْءُ ما أخَذَ مِنْهُ، أمِنَ
الحَلالِ أمْ مِنَ الحَرامِ؟.

CHAPTER. Trade of cloth and other things. And the statement of Allāh عَزَّ وَجَلَّ :—

> 'Men whom neither trade nor selling prevents from Allāh's worship.'

Qatāda said, "The people used to sell and trade; but whenever they were to perform any of Allāh's obligations, then trade and selling would not divert them from Allāh's worship, but they would rather fulfil that obligation."

بابُ التِّجارَةِ في البَزِّ و غَيْرِهِ و
قَوْلِهِ عَزَّ و جَلَّ - رِجالٌ لا تُلْهِيهِمْ
تِجارَةٌ وَلا بَيْعٌ عَنْ ذِكْرِ اللهِ - و قالَ
قَتادَةُ: كانَ القَوْمُ يَتَبايَعُونَ و يَتَّجِرونَ
ولَكِنَّهُمْ إذا نابَهُمْ حَقٌّ مِنْ حُقُوقِ اللهِ
لمْ تُلْهِهِمْ تِجارَةٌ وَلا بَيْعٌ عَنْ ذِكْرِ
اللهِ حتَّى يُؤَدُّوهُ إلى اللهِ.

276. Narrated Abū Al-Minhāl: I used to practise money exchange, and I asked Zaid bin ʿArqam رضي الله عنه about it, and he narrated what the Prophet ﷺ said in the following: Abū Al-Minhāl said, "I asked Al-Barā᾽ bin ʿAzib and Zaid bin ʿArqam about practising money exchange. They replied, 'We were traders in the time of Allāh's Apostle ﷺ and I asked Allāh's Apostle ﷺ about money exchange. He replied, 'If it is from hand to hand, there is no harm in it; otherwise it is not permissible.'"

٢٧٦ - حدَّثنا أبُو عاصِمٍ، عَنِ ابنِ
جُرَيْجٍ، قالَ: أخْبَرَني عَمْرُو بنُ دِينارٍ،
عَنْ أبي المِنْهالِ قالَ: كُنْتُ أتَّجِرُ
في الصَّرْفِ، فَسَألْتُ زَيْدَ بنَ أرْقَمَ
رَضِيَ اللهُ عَنْهُ فَقالَ، قالَ النَّبِيُّ صلى اللهُ
عليهِ وسلَّم ح و حدَّثني الفَضْلُ بنُ
يَعْقُوبَ: حدَّثني الحَجَّاجُ بنُ مُحَمَّدٍ:
قالَ ابنُ جُرَيْجٍ: أخْبَرَني عَمْرُو بنُ
دِينارٍ و عامِرُ بنُ مُصْعَبٍ أنَّهُما سَمِعا
أبا المِنْهالِ يَقُولُ: سَألْتُ البَراءَ بنَ
عازِبٍ و زَيْدَ بنَ أرْقَمَ عَنِ الصَّرْفِ
فَقالا: كُنَّا تاجِرَيْنِ عَلى عَهْدِ رَسُولِ اللهِ

صلى اللهُ عليهِ وسلَّم فسألْنا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عَنِ الصَّرْفِ، فقالَ: إنْ كانَ يَدًا بِيَدٍ فلا بأسَ، و إنْ كانَ نَسِيئًا فلا يَصْلُحُ.

CHAPTER. Going out for trading.

And the Statement of Allāh عَزَّ وَجَلَّ :—

'Disperse through the land and seek of the bounty of Allāh.' (62 : 10)

بابُ الخُرُوجِ فى التِّجارَةِ، وقَوْلِ اللهِ عَزَّ و جَلَّ - فانْتَشِرُوا فى الأرْضِ وابْتَغُوا مِنْ فَضْلِ اللهِ -.

277. Narrated ʿUbaid bin ʿUmair: Abū Mūsā asked ʿUmar ﵁ to admit him but he was not admitted as ʿUmar was busy, so Abū Mūsā went back. When ʿUmar finished his job he said, "Didn't I hear the voice of ʿAbdullāh bin Qais? Let him come in." ʿUmar was told that he had left. So, he sent for him and on his arrival, he (Abū Mūsā) said, "We were ordered to do so (i. e. to leave if not admitted after asking permission thrice). ʿUmar told him, "Bring witness in proof of your statement." Abū Mūsā went to the Anṣār's meeting places and asked them. They said, "None amongst us will give this witness except the youngest of us, Abū Saʿid Al-Khudri. Abū Mūsā then took Abū Saʾid Al-Khudri (to ʿUmar) and ʿUmar said, surprisingly, "Has this order of Allāh's Apostle ﷺ been hidden from me?" (Then he added), "I used to be busy trading in markets."

٢٧٧ - حدَّثني مُحَمَّدٌ: أخبرَنا مُخْلَدُ ابنُ يَزِيدَ: أخبرَنا ابنُ جُرَيْجٍ، قالَ: أخبرَني عَطاءٌ، عَنْ عُبَيْدِ بنِ عُمَيْرٍ: أنَّ أبامُوسَى اسْتَأذَنَ عَلى عُمَرَ رَضِيَ اللهُ عَنْهُ فَلَمْ يُؤْذَنْ لَهُ، و كأنَّهُ كانَ مَشْغُولاً فَرَجَعَ أبُو مُوسَى فَفَرَغَ عُمَرُ فقالَ: ألمْ أسمَعْ صَوْتَ عَبْدِ اللهِ بنِ قَيْسٍ؟ ائْذَنُوا لَهُ. قِيلَ: قَدْ رَجَعَ، فَدَعاهُ فقالَ: كُنَّا نُؤْمَرُ بذَلكَ، فقالَ: تَأتِيني عَلى ذلكَ بالبَيِّنَةِ. فانْطَلَقَ إلى مَجالِسِ الأنْصارِ فَسألَهُمْ فقالُوا: لا يَشْهَدُ لكَ عَلى هذا إلاَّ أصْغَرُنا أبُو سَعِيدٍ الخُدْرِيِّ. فَذَهَبَ بأبي سَعِيدٍ الخُدْرِيِّ، فقالَ عُمَرُ: أخَفِيَ عَلَيَّ هذا مِنْ أمْرِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم؟ ألهاني الصَّفْقُ بالأسْواقِ يَعْني الخُرُوجَ إلى التِّجارَةِ.

CHAPTER. Trading in sea.

بابُ التِّجارَةِ فى البَحْرِ و قالَ

And Maṭar said, "There is no harm in it, and Allāh has not mentioned it in the Qur'ān, but with truth." Then he (Maṭar) recited :—

> 'And you see the ships sailing therein so that you seek of the bounty of Allāh.' (16 : 14)

(Explanation of a few Arabic words not translated.)

Abū Huraira ﵁ said, "Allāh's Apostle ﷺ mentioned a person from Banī Israel who travelled by sea and carried out his needs." Then he narrated the whole story.

مَطَرٌ: لا بأسَ بِهِ، وما ذَكَرَهُ اللهُ فى القرآنِ إلاّ بِحَقٍّ ثُمَّ تلا - وترى الفُلْكَ مواخِرَ فيهِ ولتبتغوا من فضلِهِ - الفُلْكُ: السُّفُنُ الواحِدُ والجمعُ سواءٌ. وقال مُجاهِدٌ: تَمْخَرُ السُّفُنُ الرِّيحَ ولا تَمْخَرُ الرِّيحَ شيئًا من السُّفُنِ إلاّ الفُلْكَ العِظامَ. وقال اللَّيْثُ حدّثنى جَعْفَرُ بنُ رَبيعةَ، عن عبدِ الرحمنِ بنِ هُرْمُزَ، عن أبى هُرَيْرَةَ رَضِيَ اللهُ عنهُ، عن رسولِ اللهِ صلى اللهُ عليهِ وسلّم: أنّهُ ذَكَرَ رَجُلاً من بنى إسرائيلَ خَرَجَ فى البحرِ فقضى حاجتَهُ وساقَ الحديثَ، حدّثنى عبدُ اللهِ بنُ صالحٍ: حدّثنا اللَّيْثُ بِهِ.

CHAPTER. Allāh's Statement :—

> 'And if they see some bargain or some amusement, they disperse headlong to it.' (62 : 11)

And Allāh's Statement :—

> 'The (men) whom neither trade nor selling prevents them from Allāh's worship.' (24 : 37)

Said Qatāda, "The people used to trade, but whenever they were to perform any of Allāh's obligations, then neither trade nor selling would divert them from Allāh's worship, but they would rather fulfil that obligation."

بابٌ - وإذا رَأَوْا تِجارةً أو لَهْوًا انفضّوا إليها - وقولِهِ - لا تُلْهيهِم تِجارةٌ ولا بَيْعٌ عن ذِكْرِ اللهِ - وقال قَتادةُ: كانَ القومُ يَتَّجِرونَ ولكنّهُم كانوا إذا نابَهُم حَقٌّ من حُقوقِ اللهِ لم تُلْهِهِم تِجارةٌ ولا بَيْعٌ عن ذِكْرِ اللهِ حتّى يُؤَدُّوهُ إلى اللهِ.

278. Narrated Jābir ﵁ : A caravan arrived (at Medīna) while we were offering the Jumu'a prayer with the Prophet ﷺ. The people left out for the caravan,

٢٧٨ - حدّثنى مُحمّدٌ قال: حدّثنى مُحمّدُ بنُ فُضَيْلٍ، عن حُصَيْنٍ، عن سالمِ بنِ أبى الجَعْدِ، عن جابرٍ رَضِيَ اللهُ

with the exception of twelve persons. Then this Verse was revealed :—

> 'And when they see some bargain or some amusement, they disperse headlong to it leaving you standing.' (62 : 11)

CHAPTER. Allah's Statement :—

> 'Give of your good earnings (i.e. legally earned).' (2 : 267)

279. Narrated 'Aisha رضي الله عنها : The Prophet ﷺ said, "If a woman gives in charity from her house meals without wasting (i.e. being extravagant), she will get the reward for her giving, and her husband will also get the reward for his earning and the storekeeper will get the same. The acquisition of the reward of none of them will reduce the reward of the others."

280. Narrated Abu Huraira رضي الله عنه : The Prophet ﷺ said, "If a woman gives something (i.e. in charity) from her husband's earnings without his permission, she will get half his reward."

CHAPTER. Whoever liked to enlarge his sustenance.

281. Narrated Anas bin Malik رضي الله عنه :

عَنْهُ قَالَ: أَقْبَلَتْ عِيرٌ وَنَحْنُ نُصَلِّي مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم الجُمُعَةَ فَانْفَضَّ النَّاسُ إِلاَّ أَثْنَى عَشَرَ رَجُلاً، فَنَزَلَتْ هَذِهِ الآيَةُ ـ وَإِذَا رَأَوْا تِجَارَةً أَوْ لَهْوًا انْفَضُّوا إِلَيْهَا وَتَرَكُوكَ قَائِمًا ـ.

بابُ قَوْلِهِ ـ أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ ـ.

٢٧٩ ـ حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: قَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: إِذَا أَنْفَقَتِ الْمَرْأَةُ مِنْ طَعَامِ بَيْتِهَا غَيْرَ مُفْسِدَةٍ كَانَ لَهَا أَجْرُهَا بِمَا أَنْفَقَتْ، وَلِزَوْجِهَا بِمَا كَسَبَ، وَلِلْخَازِنِ مِثْلُ ذَلِكَ، لاَ يَنْقُصُ بَعْضُهُمْ أَجْرَ بَعْضٍ شَيْئًا.

٢٨٠ ـ حَدَّثَنِي يَحْيَى بْنُ جَعْفَرٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ، عَنْ مَعْمَرٍ، عَنْ هَمَّامٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قَالَ: إِذَا أَنْفَقَتِ الْمَرْأَةُ مِنْ كَسْبِ زَوْجِهَا عَنْ غَيْرِ أَمْرِهِ فَلَهَا نِصْفُ أَجْرِهِ.

بابُ مَنْ أَحَبَّ الْبَسْطَ فِي الرِّزْقِ.

٢٨١ ـ حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي يَعْقُوبَ

I heard Allāh's Apostle ﷺ saying, "Whoever desires an expansion in his sustenance and age, should keep good ties with his kith and kin."

الكِرْمانيُّ: حدَّثنا حَسَّان: حدَّثنا يُونُسُ: قالَ مُحَمَّدٌ هُوَ الزُّهْرِيُّ عَنْ أَنَسِ بنِ مالكٍ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ: مَنْ سَرَّهُ أَنْ يُبْسَطَ لَهُ في رِزْقِهِ أَوْ يُنْسَأَ لَهُ في أَثَرِهِ فَلْيَصِلْ رَحِمَهُ.

CHAPTER. The purchase by the Prophet ﷺ on credit.

باب شِرَاءِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم بالنَّسِيئَةِ.

282. Narrated ᶜĀisha رضي الله عنها : The Prophet ﷺ purchased food grains from a Jew on credit and mortgaged his iron armour to him.

٢٨٢ - حدَّثنا مُعَلَّى بنُ أَسَدٍ: حدَّثنا عَبْدُ الوَاحِدِ: حدَّثنا الأَعْمَشُ قالَ: ذَكَرْنا عِنْدَ إبْرَاهِيمَ الرَّهْنَ في السَّلَمِ فَقالَ: حدَّثني الأَسْوَدُ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم اشْتَرَى طَعَامًا مِنْ يَهُودِيٍّ إلى أَجَلٍ ورَهَنَهُ دِرْعًا مِنْ حَدِيدٍ.

283. Narrated Qatāda : Anas رضي الله عنه went to the Prophet ﷺ with barley bread and some butter of (changing smell) and the Prophet ﷺ had mortgaged his armour to a Jew in Medīna and took from him barley for his family. And Anas heard him saying, "The household of Muḥammad ﷺ have not got even a single Sāᶜ of wheat or food grains while he has nine wives to look after."

٢٨٣ - حدَّثنا مُسْلِمٌ: حدَّثنا هِشامٌ: حدَّثنا قَتَادَةُ عَنْ أَنَسٍ ح و حدَّثني مُحَمَّدُ بنُ عَبْدِ اللهِ بنِ حَوْشَبٍ: حدَّثنا أَسْباطٌ أَبُو اليَسَعِ البَصْرِيُّ: حدَّثنا هِشامٌ الدَّسْتَوَائِيُّ، عَنْ قَتَادَةَ. عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ: أَنَّهُ مَشَى إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم بِخُبْزِ شَعِيرٍ و إهالَةٍ سَنِخَةٍ، ولَقَدْ رَهَنَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم دِرْعًا لَهُ بالمَدِينَةِ عِنْدَ يَهُودِيٍّ و أَخَذَ مِنْهُ شَعِيرًا لأَهْلِهِ.

وَلَقَدْ سَمِعْتُهُ يَقُولُ: ما أَمْسَى عِنْدَ آلِ مُحَمَّدٍ صلى اللهُ عليهِ وسلَّم صاعُ بُرٍّ ولا صاعُ حَبٍّ، وإنَّ عِنْدَهُ لَتِسْعَ نِسْوَةٍ.

CHAPTER. The earnings of a person and his manual labour.

بابُ كَسْبِ الرَّجُلِ وعَمَلِهِ بِيَدِهِ.

284. Narrated ᶜĀisha رضي الله عنها : When Abū Bakr Aṣ-Ṣiddīq was chosen Caliph, he said, " My people know that my profession was not incapable of providing substance to my family. And as I will be busy serving the Muslim nation, my family will eat from the National Treasury of Muslims, and I will practise the profession of serving the Muslims."

٢٨٤ - حدَّثَنا إسماعيلُ بنُ عَبْدِ اللهِ: حدَّثَني ابنُ وَهْبٍ، عَنْ يُونُسَ، عَنِ ابنِ شِهابٍ قالَ: أَخْبَرَني عُرْوَةُ بنُ الزُّبَيْرِ أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: لمَّا اسْتُخْلِفَ أبو بَكْرٍ الصِّدِّيقُ قالَ: لَقَدْ عَلِمَ قَوْمي أنَّ حِرْفَتي لم تَكُنْ تَعْجِزُ عَنْ مُؤْنَةِ أهْلي، وشُغِلْتُ بِأَمْرِ المُسْلِمينَ، فَسَيَأْكُلُ آلُ أبي بَكْرٍ مِنْ هذا المالِ، وأَحْتَرِفُ لِلْمُسْلِمينَ فيهِ.

285. Narrated ᶜĀisha رضي الله عنها : The companions of Allāh's Apostle ﷺ used to practise manual labour, so their sweat used to smell, and they were advised to take a bath.

٢٨٥ - حدَّثَنا مُحَمَّدٌ: حدَّثَنا عَبْدُ اللهِ ابنُ يَزيدَ: حدَّثَنا سَعيدٌ قالَ: حدَّثَني أبو الأسْوَدِ، عَنْ عُرْوَةَ قالَ: قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْها: كانَ أصْحابُ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم عُمَّالَ أنْفُسِهِمْ، فكانَ يَكُونُ لهُمْ أرْوَاحٌ، فَقِيلَ لهُمْ: لَوِ اغْتَسَلْتُمْ. رَوَاهُ هَمَّامٌ، عَنْ هِشامٍ، عَنْ أبيهِ، عَنْ عائِشَةَ.

286. Narrated Al-Miqdām رضي الله عنه : The Prophet ﷺ said, " Nobody has ever eaten a better meal than that which he has earned by working with his own hands.

٢٨٦ - حدَّثَنا إبْراهيمُ بنُ مُوسَى: أخْبَرَني عِيسَى، عَنْ ثَوْرٍ، عَنْ خالِدِ بنِ مَعْدانَ، عَنِ المِقْدامِ رَضِيَ اللهُ عَنْهُ،

The Prophet of Allāh, David عليه السلام, used to eat from the earnings of his manual labour."

عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: ما أَكَلَ أَحَدٌ طَعامًا قَطُّ خَيْرًا مِنْ أَنْ يأكُلَ مِنْ عَمَلِ يدِهِ، و إِنَّ نَبِيَّ اللهِ دَاوُدَ عَلَيْهِ السَّلامُ كانَ يأكُلُ مِنْ عَمَلِ يَدِهِ.

287. Narrated Abū Huraira رضي الله عنه: Allāh's Apostle ﷺ said, "The Prophet David عليه السلام used not to eat except from the earnings of his manual labour."

٢٨٧ ـ حدَّثَنا يَحْيى بنُ مُوسَى: حدَّثَنا عَبْدُ الرَّزَّاقِ: أَخْبَرَنا مَعْمَرٌ، عَنْ هَمَّامِ بنِ مُنَبِّهٍ: حدَّثَنا أبُو هُرَيْرَةَ: عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم: أَنَّ دَاوُدَ عَلَيْهِ السَّلامُ كانَ لا يأكُلُ إِلاَّ مِنْ عَمَلِ يَدِهِ.

288. Narrated Abū Huraira رضي الله عنه: Allāh's Apostle ﷺ said, "One would rather cut and carry a bundle of wood on his back than ask somebody who may or may not give him."

٢٨٨ ـ حدَّثَنا يَحْيى بنُ بُكَيْرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنْ أبي عُبَيْدٍ مَوْلَى عَبْدِ الرَّحْمٰنِ ابنِ عَوْفٍ: أَنَّهُ سَمِعَ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: لأَنْ يَحْتَطِبَ أَحَدُكُمْ حُزْمَةً عَلَى ظَهْرِهِ خَيْرٌ مِنْ أَنْ يَسْأَلَ أَحَدًا فَيُعْطِيَهُ أَوْ يَمْنَعَهُ.

289. Narrated Az-Zubair bin Al-ʿAwwām رضي الله عنه: The Prophet ﷺ said, "One would rather take a rope (and cut and carry wood than ask others)."

٢٨٩ ـ حدَّثَنا يَحْيى بنُ مُوسَى: حدَّثَنا وَكِيعٌ: حدَّثَنا هِشامُ بنُ عُرْوَةَ، عَنْ أبيهِ، عَنِ الزُّبَيْرِ بنِ العَوَّامِ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: لأَنْ يأخُذَ أَحَدُكُمْ أَحْبُلَهُ.

CHAPTER. One should be easy and generous in bargaining, and whoever

بابُ السُّهُولَةِ والسَّماحَةِ فى الشِّراءِ والبَيْعِ، و مَنْ طَلَبَ حَقًّا فَلْيَطْلُبْهُ فى

demands his debts back should do so in a modest manner.

290. Narrated Jābir bin ʿAbdullāh ؓ : Allāh's Apostle ﷺ said, "May Allāh's mercy be on him who is lenient in his buying, selling, and in demanding back his money."

CHAPTER. Whoever gave time to a rich person to pay at his convenience.

291. Narrated Hudhaifa ؓ : The Prophet ﷺ said, "Before your time the angels received the soul of a man and asked him, 'Did you do any good deeds (in your life)?' He replied, 'I used to order my employees to grant time to the rich person to pay his debts at his convenience.' So, the angels excused him."

Rabeī said that (the dead man said), 'I used to be easy to the rich and grant time to the poor.' Or, in another narration, '...... grant time to the well-off and forgive the needy,' or, '...... accept from the well-off and forgive the needy.'

عَفافٍ .

٢٩٠ ـ حدَّثَنا عَلِيُّ بنُ عَيَّاشٍ: حدَّثَنا أبُو غَسَّانَ قالَ: حدَّثَنِي مُحَمَّدُ بنُ المُنْكَدِرِ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: رَحِمَ اللهُ رَجُلاً سَمْحا إذَا باعَ و إذَا اشْتَرَى و إذَا اقْتَضَى .

بابُ مَنْ أنْظَرَ مُوسِرًا .

٢٩١ ـ حدَّثَنا أحْمَدُ بنُ يُونُسَ: حدَّثَنا زُهَيرٌ: حدَّثَنا مَنْصُورٌ: أنَّ رِبْعِيَّ ابنَ حِرَاشٍ، حدَّثَهُ: أنَّ حُذَيْفَةَ رَضِيَ اللهُ عَنْهُ حدَّثَهُ قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: تَلَقَّتِ المَلائِكَةُ رُوحَ رَجُلٍ مِمَّنْ كانَ قَبْلَكُمْ، قالُوا: أعَمِلْتَ مِنَ الخَيرِ شَيْئًا؟ قالَ: كُنْتُ آمُرُ فِتْيانِي أنْ يُنْظِرُوا و يَتَجاوَزُوا عَنِ المُوسِرِ، قالَ: فَتَجاوَزُوا عَنْهُ. قالَ أبُو عَبْدِ اللهِ: و قالَ أبُو مالِكٍ عَنْ رِبْعِيٍّ: كُنْتُ أُيَسِّرُ عَلَى المُوسِرِ و أُنْظِرُ المُعْسِرَ. و تابَعَهُ شُعْبَةُ عَنْ عَبْدِ المَلِكِ، عَنْ رِبْعِيٍّ. و قالَ أبُو عَوَانَةَ، عَنْ عَبْدِ المَلِكِ، عَنْ رِبْعِيٍّ: أُنْظِرُ المُوسِرَ و أتجاوَزُ عَنِ المُعْسِرِ. و قالَ نُعَيمُ بنُ أبي هِنْدٍ، عَنْ

رِبْعِيٌّ: فأَقْبَلُ مِنَ المُوسِرِ وأَتجاوَزُ عَنِ المُعسِرِ.

CHAPTER. Whoever waited for a poor person to pay back the debt when he gets (i.e. is able to repay).

بابُ مَنْ أَنْظَرَ مُعْسِرًا.

292. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "There was a merchant who used to lend the people, and whenever his debtor was in straitened circumstances, he would say to his employees, 'Forgive him so that Allāh may forgive us.' So, Allāh forgave him."

٢٩٢- حدَّثَنا هِشامُ بنُ عَمَّارٍ: حدَّثَنا يَحْيى بنُ حَمْزَةَ: حدَّثَنا الزُّبَيْدِيُّ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ: أَنَّهُ سَمِعَ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ: كانَ تاجِرٌ يُدَايِنُ النَّاسَ فإِذا رَأى مُعْسِرًا قالَ لِفِتْيانِهِ: تَجاوَزُوا عَنْهُ لَعَلَّ اللهَ أنْ يَتَجاوَزَ عَنَّا. فَتَجاوَزَ اللهُ عَنْهُ.

CHAPTER. If both the seller and the buyer explain the good and bad points concerning the transaction and hide nothing and give sincere advice (then they are blessed in their bargain).

Al-ʿAddāʾ bin Khālid said, "The Prophet ﷺ got his statement written for me: 'This is what Muḥammad, Allāh's Apostle ﷺ bought from ʿAddāʾ bin Khālid as a Muslim sells to another Muslim and that it (i.e. the bought slave) is neither sick, bad-behaved or stolen.'"

Said Qatāda that 'Al-Ghāʾila' means: adultery, theft or (the slave) who runs away.

It was said to Ibrāhīm, "Some brokers name their stables the stables of Khurāsān

بابٌ إذا بَيَّنَ البَيِّعانِ ولم يَكْتُما ونَصَحا.

ويُذْكَرُ عَنِ العَدَّاءِ بنِ خالِدٍ، قالَ: كَتَبَ لِيَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: هذا ما اشْتَرى مُحَمَّدٌ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم مِنَ العَدَّاءِ ابنِ خالِدٍ، بَيْعَ المُسْلِمِ المُسْلِمَ، لا داءَ ولا خِبْثَةَ، ولا غائِلةَ. وقالَ قَتادَةُ: الغائِلةُ: الزِّنا والسَّرِقةُ والإباقُ. وقِيلَ لإبْراهِيمَ: إنَّ بَعْضَ النَّخَّاسِينَ يُسَمِّي آرِيَّ خُراسانَ وسِجِسْتانَ، فيَقُولُ: جاءَ أمْسِ مِنْ خُراسانَ، جاءَ اليَوْمَ مِنْ سِجِسْتانَ، فكَرِهَهُ كَراهِيَةً شَدِيدَةً. وقالَ عُقْبَةُ بنُ عامِرٍ: لا يَحِلُّ

and Sigstān and say, ' It (i.e. the animal) arrived from Khurāsān only yesterday (or) it came from Sigstān today.' " Ibrāhīm hated that very much.

ᶜUqba bin ᶜAmir said, "It is illegal for one to sell a thing if one knows that it has a defect, unless one informs the buyer of that defect."

لامْرِئٍ يَبِيعُ سِلْعَةً يَعْلَمُ أَنَّ بِهَا دَاءً إِلاَّ أَخْبَرَهُ .

293. Narrated Ḥakīm bin Ḥizām ؓ Allāh's Apostle ﷺ said, "The seller and the buyer have the right to keep or return the goods so long as they have not parted or till they part ; and if both the parties spoke the truth and described the defects and qualities (of the goods), then they would be blessed in their transaction, and if they told lies or hid something, then the blessings of their transaction would be lost."

٢٩٣ ـ حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ : حَدَّثَنَا شُعْبَةُ ، عَنْ قَتَادَةَ ، عَنْ صَالِحٍ أَبِي الْخَلِيلِ ، عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ رَفَعَهُ إِلَى حَكِيمِ بْنِ حِزَامٍ رَضِيَ اللهُ عَنْهُمْ قَالَ : قَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : الْبَيِّعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا ، أَوْ قَالَ : حَتَّى يَتَفَرَّقَا ، فَإِنْ صَدَقَا وَ بَيَّنَا بُورِكَ لَهُمَا فِى بَيْعِهِمَا ، وَ إِنْ كَتَمَا وَ كَذَبَا مُحِقَتْ بَرَكَةُ بَيْعِهِمَا .

CHAPTER. Selling of mixed dates.

بَابُ بَيْعِ الْخِلْطِ مِنَ التَّمْرِ .

294. Narrated Abū Saᶜīd ؓ : We used to be given mixed dates (from the booty) and used to sell (barter) two Sāᶜs (of those dates) for one Sāᶜ (of good dates). The Prophet ﷺ said (to us), " No (bartering of) two Sāᶜs for one Sāᶜ, or two Dirhams for one Dirham is permissible."

٢٩٤ ـ حَدَّثَنَا أَبُو نُعَيْمٍ : حَدَّثَنَا شَيْبَانُ ، عَنْ يَحْيَى ، عَنْ أَبِي سَلَمَةَ ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قَالَ : كُنَّا نُرْزَقُ تَمْرَ الْجَمْعِ وَ هُوَ الْخِلْطُ مِنَ التَّمْرِ . وَ كُنَّا نَبِيعُ صَاعَيْنِ بِصَاعٍ ، فَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم : لاَ صَاعَيْنِ بِصَاعٍ ، وَلاَ دِرْهَمَيْنِ بِدِرْهَمٍ .

CHAPTER. What is said about the meat seller and the butcher.

بَابُ مَا قِيلَ فِى اللَّحَّامِ وَالْجَزَّارِ .

295. Narrated Abū Masᶜūd: An Anṣārī man, called Abū Shuᶜaib, came and told his butcher slave, "Prepare meals sufficient for five persons, for I want to invite the Prophet ﷺ along with four other persons as I saw signs of hunger on his face." Abū Shuᶜaib invited them and another person came along with them. The Prophet ﷺ said (to Abū Shuᶜaib), "This man followed us, so if you allow him, he will join us, and if you want him to return, he will go back." Abū Shuᶜaib said, "No, I have allowed him (i. e. he, too, is welcomed to the meal)."

CHAPTER. What is said regarding the loss (of blessing) if one tells lies or hides the facts in a deal.

296. Narrated Ḥakīm bin Ḥizām رضي الله عنه The Prophet ﷺ said, "The buyer and the seller have the option to cancel or to confirm the deal, so long as they have not parted or till they part, and if they spoke the truth and told each other the defects of the things, then blessings would be in their deal, and if they hid something and told lies, the blessing of the deal would be lost."

CHAPTER. The Statement of Allāh تعالى :—

'O you who believe !

٢٩٥ ـ حدَّثنا عُمَرُ بنُ حفْصٍ : حدَّثنا أبي . حدَّثنا الأعمَشُ قالَ : حدَّثني شقيقٌ ، عَنْ أبي مَسْعُودٍ ، قالَ : جاءَ رَجُلٌ مِنَ الأنْصارِ يُكْنى أبا شُعَيْبٍ فقالَ لِغُلامٍ لَهُ قَصَّابٍ : اجْعَلْ لي طَعاما يَكْفي خَمْسَةً فإني أُرِيدُ أنْ أدْعُوَ النَّبِيَّ صلى اللهُ عليهِ وسلَّم خامِسَ خَمْسَةٍ ، فإني قَدْ عَرَفْتُ في وَجْهِهِ الجُوعَ . فَدَعاهُمْ فَجاءَ مَعَهُمْ رَجُلٌ فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : إنَّ هذا قَدْ تَبِعَنا فإنْ شِئْتَ أنْ تَأذَنَ لَهُ ، وإنْ شِئْتَ أن يَرْجِعَ رَجَعَ . فَقالَ : لا ، بَلْ قَدْ أذِنْتُ لَهُ .

بابُ ما يَمْحَقُ الكَذِبُ والكِتمانُ في البَيْعِ .

٢٩٦ ـ حدَّثنا بَدَلُ بنُ المحبَّرِ : حدَّثنا شُعْبَةُ عَنْ قَتادَةَ ، قالَ : سَمِعْتُ أبا الخَليلِ يُحَدِّثُ عَنْ عَبْدِ اللهِ بنِ الحارِثِ عَنْ حكِيمِ بنِ حِزامٍ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ البَيِّعانِ بالخِيارِ ما لمْ يَتَفَرَّقا ، أوْ قالَ : حتَّى يَتَفَرَّقا ، فإنْ صَدَقا وَ بَيَّنا بُورِكَ لهُما في بَيْعِهِما ، وإنْ كَتَما وكَذَبا مُحِقَتْ بَرَكَةُ بَيْعِهِما .

بابُ قَوْلِ اللهِ عَزَّ وجَلَّ ـ

يا أيُّها الَّذينَ آمَنُوا لا تَأكُلُوا الرِّبا أضْعافًا مُضاعَفَةً ـ الآيَةَ .

Eat not Ribā (1)
Doubled and multiplied
(But fear Allāh; that
You may (really) prosper.'
(3 : 130)

CHAPTER. (The sin of) one who receives Ribā, its witness and its writer. And the Statement of Allāh تعالى :—

'Those who devour Ribā
Will not stand except
As stands one whom
Satan by his touch
Has driven to madness.' (2 : 275)

بابُ آكِلِ الرِّبا وشاهِدِهِ وكاتِبِهِ.
وقَوْلِ اللهِ تعالى - الَّذِينَ يأكُلُونَ الرِّبا لا يَقُومُونَ إلاَّ كما يَقُومُ - إلى آخِرِ الآيَةِ.

297. Narrated ʿĀisha رضي الله عنها : When the last Verses of Sūrat-al-Baqara were revealed, the Prophet ﷺ recited them in the mosque and proclaimed the trade of alcohol as illegal. (2)

٢٩٧ - حدَّثنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا غُنْدَرٌ عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، عَنْ أبي الضحى عَنْ مَسْرُوقٍ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: لمَّا نَزَلَتْ آخِرُ البَقَرَةِ قَرَأَهُنَّ النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَلَيْهِمْ فى المَسْجِدِ ثُمَّ حَرَّمَ التِّجارَةَ فى الخَمْرِ.

298. Narrated Samura bin Jundab رضي الله عنه : The Prophet ﷺ said, "This night I dreamt that two men came and took me to a Holy land whence we proceeded on till we reached a river of blood, where a man was standing, and on its bank was

٢٩٨ - حدَّثنا مُوسَى بنُ إسماعيلَ: حدَّثنا جَرِيرُ بنُ حازِمٍ: حدَّثنا أبُو رَجاء، عَنْ سَمُرَةَ بنِ جُنْدُبٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: رَأَيْتُ اللَّيْلَةَ رَجُلَيْنِ أتَيانِي فأخْرَجانِي

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(1) Ribā : See the glossary.

(2) Al-Bukhārī includes this Ḥadīth here because the last Verses of Sūrat-al-Baqara deal with the topic of Ribā, too.

standing another man with stones in his hands. The man in the middle of the river tried to come out, but the other threw a stone in his mouth and forced him to go back. So, whenever he tried to come out, the other man would throw a stone in his mouth and force him to go back to his former place. I asked, 'Who is this?' I was told, 'The person in the river was a Ribā-eater.' "

إلى أرضٍ مُقَدَّسَةٍ فانْطَلَقْنا حتّى أتَيْنا عَلَى نَهْرٍ مِنْ دَمٍ فِيهِ رَجُلٌ قائمٌ، وعَلَى وسطِ النَّهْرِ رَجُلٌ بَيْنَ يَدَيْهِ حِجارَةٌ، فأقْبَلَ الرَّجُلُ الَّذِى فى النَّهْرِ فإذا أرادَ الرَّجُلُ أنْ يَخْرُجَ رَمَى الرَّجُلُ بِحَجَرٍ مِنَ الحِجارَةِ فى فِيهِ فَرَدَّهُ حَيْثُ كانَ، فَجَعَلَ كُلَّما جاءَ لِيَخْرُجَ رَمَى فى فِيهِ بِحَجَرٍ فَيَرْجِعُ كما كانَ. فَقُلْتُ ما هذا؟ فَقالَ: الَّذِى رَأيْتَهُ فى النَّهْرِ آكِلُ الرِّبا.

CHAPTER. (The sin of) the Ribā-payer as is referred to in the Statement of Allāh ﷻ :—

'O you who believe!
Fear Allāh and give up
What remains of your demand
For Ribā if you are
Indeed believers
.... (up to) ....
And none shall be
Dealt with unjustly.' (2 : 278-281)

Ibn Abbās said, "This was the last Verse revealed to the Prophet ﷺ."

باب مُوكِلِ الرِّبا لِقَوْلِ اللهِ تَعالى - يا أيُّها الَّذِينَ آمَنُوا اتَّقُوا اللهَ و ذَرُوا ما بَقِيَ مِنَ الرِّبا إنْ كُنْتُمْ مُؤْمِنِينَ - إلى قَوْلِهِ - و هُمْ لا يُظْلَمُونَ - قالَ ابنُ عَبّاسٍ: هذهِ آخِرُ آيَةٍ نَزَلَتْ عَلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم.

299. Narrated 'Aun bin Abū Juḥaifa: My father bought a slave who practised the profession of cupping. (My father broke the slave's instruments of cupping). I asked my father why he had done so. He replied, "The Prophet ﷺ forbade the acceptance of the price of a dog or blood, and the profession of tattooing, getting tattooed and accepting or giving Ribā, and cursed the picture-makers."

٢٩٩ - حَدَّثَنا أبُو الوَلِيدِ: حَدَّثَنا شُعْبَةُ، عَنْ عَوْنِ بنِ أبي جُحَيْفَةَ، قالَ: رَأيْتُ أبِي اشْتَرَى عَبْدًا حَجّامًا، فَسَألْتُهُ فَقالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْ ثَمَنِ الكَلْبِ و ثَمَنِ الدَّمِ. و نَهَى عَنِ الواشِمَةِ والمَوْشُومَةِ، و آكِلِ الرِّبا و مُوكِلِهِ، ولَعَنَ المُصَوِّرَ.

CHAPTER :—

'Allāh will remove from
Ribā all blessings
But will give increase
For deeds of charity,
For Allāh loves not
The non-believers and evil-doers !
(2 : 276)

بابٌ ـ يَمْحَقُ اللهُ الرِّبا و يُرْبِى الصَّدقاتِ واللهُ لا يُحِبُّ كلَّ كَفَّارٍ أثيمٍ.

300. Narrated Abū Huraira ﵁ : I heard Allāh's Apostle ﷺ saying, "Giving oaths (by the seller) may persuade the buyer to purchase the goods but they cause the loss of Allāh's blessing." (1)

٣٠٠ ـ حدَّثَنا يَحْيى بنُ بُكَيرٍ : حدَّثَنا اللَّيْثُ ، عَنْ يُونُسَ ، عنِ ابنِ شِهابٍ ، قالَ ابنُ المُسَيَّبِ : إن أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ : سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ : الحَلِفُ مَنْفَقَةٌ للسِّلعَةِ مَمْحَقَةٌ للبرَكَةِ.

CHAPTER. Giving oaths while selling is disapproved of.

بابٌ ما يُكْرَهُ منَ الحَلِفِ فى البَيْعِ.

301. Narrated ʿAbdullāh bin Abū Aufā ﵁ : A man displayed some goods in the market and swore by Allāh that he had been offered so much for that, though it was false and he said so, so as to cheat a Muslim. On that occasion the following Verse was revealed :—

'As for those who sell the faith,
they owe to Allāh and their oaths

٣٠١ ـ حدَّثَنا عَمْرُو بنُ مُحَمَّد : حدَّثَنا هُشَيمٌ : أخبرَنا العَوَّامُ ، عَنْ إبْرَاهِيمَ بنِ عَبْدِ الرَّحْمَنِ ، عَنْ عَبْدِ اللهِ ابنِ أبي أوْفَى رَضِيَ اللهُ عَنْهُ : أنَّ رَجُلاً أقامَ سِلْعَةً و هُوَ فى السُّوقِ فَحَلَفَ باللهِ لَقَدْ أعْطَى بِها ما لمْ يُعْطِ لِيُوقِعَ فِيها رَجُلاً مِنَ المُسْلِمِينَ ، فَنزَلَتْ ـ

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(1) Hadith No. 300 confirms the fact that what you earn illegally, decreases ultimately for it will be deprived of Allāh's blessing and it will result in bringing about punishment in the Hereafter while what you give in charity will be compensated for by the blessing of Allāh many times, and you will be rewarded for it in the Hereafter as well.

for small gains (They shall have no portion in the Hereafter .... etc.)' (3 : 77)

CHAPTER. What is said about the goldsmith.

And narrated Tawus from Ibn ʿAbbās ﵄ : The Prophet ﷺ said, "Do not cut the shrubs of Mecca." Al-ʿAbbās said, "Except Al-Idhkhir (a kind of grass). It is used by their blacksmith and for their houses." The Prophet ﷺ said, "Except Al-Idhkhir."

302. Narrated ʿAlī ؑ : I got an old she-camel as my share from the booty, and the Prophet ﷺ had given me another from Al-Khumus. And when I had intended to marry Fatima عَلَيْهَا السَّلام (daughter of the Prophet ﷺ), I arranged that a goldsmith from the tribe of Banī Qainuqaʿ would accompany me in order to bring Idhkhir and then sell it to the goldsmiths and use its price for my marriage banquet.

303. Narrated Ibn ʿAbbās ﵄ : Allāh's Apostle ﷺ said, "Allāh made Mecca a sanctuary and it was neither permitted for anyone before me, nor will it be permitted for anyone after me (to fight in

إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ و أَيمانِهِم ثَمَناً قَلِيلاً ـ .

بابٌ ما قِيلَ فى الصَّوَّاغِ . و قالَ طاوُسٌ عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما : قالَ النَّبِيُّ صلى اللهُ عليه وسلَّم : لا يُخْتَلَى خَلاها . و قالَ العَبَّاسُ : إلاَّ الإِذْخِرَ ، فإِنَّهُ لِقَيْنِهِم و بُيُوتِهِم . فقالَ : إلاَّ الإِذْخِرَ .

٣٠٢ ـ حدَّثنا عَبْدَانُ : أخبرَنا عَبْدُ الله : أخبرَنا يُونُسُ ، عَنِ ابنِ شِهابٍ قالَ أخبرَنى عَلِيُّ بنُ حُسَيْنٍ : أنَّ حُسَيْنَ ابنَ عَلِيٍّ رَضِيَ اللهُ عَنْهُما أخبرَهُ : أنَّ عَلِيًّا عَلَيْهِ السَّلامُ قالَ : كانَتْ لى شارِفٌ مِنْ نَصِيبِى مِنَ المَغْنَمِ ، و كانَ النَّبِىُّ صلى اللهُ عليه وسلَّم أعْطانِي شارِفاً مِنَ الخُمُسِ ، فلَمَّا أرَدْتُ أنْ أبْتَنِيَ بِفاطِمَةَ عَلَيْها السَّلامُ بِنْتِ رَسُولِ اللهِ صلى الله عليه وسلَّم و اعَدْتُ رَجُلاً صَوَّاغاً مِنْ بَنِى قَيْنُقاعَ أنْ يَرْتَحِلَ مَعِى فَنَأْتِيَ بإِذْخِرٍ أرَدْتُ أنْ أبِيعَهُ مِنَ الصَّوَّاغِينَ و أسْتَعِينَ بِهِ فى وَلِيمَةِ عُرْسِى .

٣٠٣ ـ حدَّثنا إسحاقُ : حدَّثنا خالِدُ ابنُ عَبْدِ اللهِ ، عَنْ خالِدٍ ، عَنْ عِكْرِمَةَ ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما : أنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ : إنَّ اللهَ

it). And fighting in it was made legal for me for a few hours of a day only. None is allowed to uproot its thorny shrubs or to cut down its trees or to chase and frighten its game or to pick up its fallen things except by a person who would announce it publicly." ᶜAbbās bin ᶜAbdul-Muṭṭlib requested the Prophet ﷺ, "Except Al-Idhkhir, for our goldsmiths and for the roofs of our houses." The Prophet ﷺ said, "Except Al-Idhkhir." ᶜIkrima said, "Do you know what is meant by chasing its game? It is to drive it out of the shade and sit in its place." Khālid said, "(ᶜAbbās said: Al-Idhkhir) for our goldsmiths and our graves."

CHAPTER. The mentioning of blacksmiths.

304. Narrated Khabbāb ﵁: I was a blacksmith in the Pre-Islamic period, and ᶜĀṣi bin Wā'il owed me some money, so I went to him to demand it. He said (to me), "I will not pay you unless you disbelieve Muḥammad ﷺ." I said, "I will not disbelieve till Allāh kills you and then you get resurrected." He said, "Leave me till I die and get resurrected, then I will be given wealth and children and I will pay you your debt." On that occasion the revelation came:—

> 'Have you seen him who disbelieved in our revelations and said: Surely I will be given wealth and children? Has he seen the unseen, or has he taken a promise from the Beneficent?' (19 : 77-78)

حرَّمَ مكَّةَ ولمْ تحِلَّ لأحَدٍ قبلى ولا لأحدٍ بعدِى، وإنَّما حلَّتْ لى ساعةً منْ نهارٍ لا يُختلى خلاها، ولا يُعضَدُ شجرُها، ولا يُنفَّرُ صيدُها، ولا يُلتقطُ لُقطتُها إلاَّ لمعرِّفٍ. وقالَ عبَّاسُ بنُ عبدِ المطَّلبِ: إلاَّ الإذخرَ. لصاغتِنا ولسُقُفِ بيوتِنا، فقالَ: إلاَّ الإذخرَ. فقالَ عكرمةُ: هلْ تدرى ما يُنفَّرُ صيدُها؟ هوَ أنْ تُنحِّيَهُ منَ الظلِّ وتنزلَ مكانَهُ. قالَ عبدُ الوهَّابِ، عنْ خالدٍ: لصاغتِنا وقبورِنا.

باب ذكرِ القَينِ والحدَّادِ.

٣٠٤ ـ حدَّثنا محمَّدُ بنُ بشَّارٍ: حدَّثنا ابنُ أبى عدىٍّ، عنْ شعبةَ، عنْ سليمانَ، عنْ أبى الضُّحى عنْ مسروقٍ، عنْ خبَّابٍ قالَ: كنتُ قيناً فى الجاهليَّةِ وكانَ لى على العاصى بنِ وائلٍ دينٌ فأتيتُهُ أتقاضاهُ، قالَ: لا أُعطيكَ حتَّى تكفرَ بمحمَّدٍ صلى الله عليه وسلَّم، فقلتُ: لا أكفرُ حتَّى يُميتَكَ اللهُ ثمَّ تُبعثَ. قالَ: دعنى حتَّى أموتَ وأُبعثَ فسأُوتى مالاً وولداً فأقضيكَ فنزلتْ ـ أفرأيتَ الَّذى كفرَ بآياتنا وقالَ لأُوتينَّ مالاً وولداً أطَّلعَ الغيبَ أمِ اتَّخذَ عندَ الرَّحمنِ عهداً ـ.

CHAPTER. The mentioning of the tailor.

305. Narrated Isḥaq bin ᶜAbdullāh bin Abū Ṭalḥā: I heard Anas bin Mālik ؓ saying, "A tailor invited Allāh's Apostle ﷺ to a meal which he had prepared." Anas bin Mālik ؓ said, "I accompanied Allāh's Apostle ﷺ to that meal. He served the Prophet ﷺ with bread and soup made with gourd and dried meat. I saw the Prophet ﷺ taking the pieces of gourd from the dish." Anas added, "Since that day I have continued to like gourd."

بابُ ذِكْرِ الخَيَّاطِ .

٣٠٥ ـ حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبرَنا مالكٌ ، عَنْ إسحاقَ بنِ عَبْدِ اللهِ ابنِ أبي طَلْحَةَ : أنَّهُ سَمعَ أنَسَ بنَ مالكٍ رَضِيَ اللهُ عَنْهُ يَقُولُ : إنَّ خَيَّاطا دَعا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم لِطَعامٍ صَنَعَهُ ، قالَ أنَسُ بنُ مالكٍ رَضِيَ اللهُ عَنْهُ : فَذَهَبْتُ مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم إلى ذلكَ الطَّعامِ ، فَقَرَّبَ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم خُبزًا و مَرَقًا فِيهِ دُبَّاءٌ و قَدِيدٌ ، فَرَأيْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم يَتَتَبَّعُ الدُّبَّاءَ مِنْ حَوَالى القَصْعَةِ . قالَ : فَلَمْ أزَلْ أُحِبُّ الدُّبَّاءَ مِنْ يَوْمَئِذٍ .

CHAPTER. The weaver.

306. Narrated Abū Ḥāzim: I heard Sahl bin Saᶜd ؓ saying, "A woman brought a Burda (i.e. a square piece of cloth). I asked, 'Do you know what a Burda is?' They replied in the affirmative and said, 'It is a cloth sheet with woven margins.'" Sahl went on, "She addressed the Prophet ﷺ and said, 'I have woven it with my hands for you to wear.' The Prophet ﷺ took it as he was in need of it, and came to us wearing it as a waist sheet. One of us said, 'O Allāh's Apostle! Give it to me

بابُ النَّسَّاجِ .

٣٠٦ ـ حدَّثنا يَحْيى بنُ بُكَيْرٍ : حدَّثنا يَعْقُوبُ بنُ عَبْدِ الرَّحْمٰنِ ، عَنْ أبي حازِمٍ قالَ : سَمِعْتُ سَهْلَ بنَ سَعْدٍ رَضِيَ اللهُ عَنْهُ قالَ : جاءَتِ امْرَأةٌ بِبُرْدَةٍ ، قالَ : أتَدْرُونَ ما البُرْدَةُ ؟ فَقِيلَ لَهُ : نَعَمْ ، هِيَ الشَّمْلَةُ مَنْسُوجَةٌ فى حاشِيَتِها ، قالَتْ : يا رَسُولَ اللهِ ، إنِّى نَسَجْتُ هذهِ بِيَدَى أكْسُوكَها . فأخَذَها النَّبِيُّ صلى اللهُ عليهِ وسلَّم مُحْتاجًا إلَيها فَخَرَجَ إلَيْنا و إنَّها إزارُهُ . فَقالَ رَجُلٌ

to wear.' The Prophet ﷺ agreed to give it to him. The Prophet ﷺ sat with the people for a while and then returned (home), wrapped that waist sheet and sent it to him. The people said to that man, 'You have n't done well by asking him for it when you know he never rejects whoever asks him.' The man replied, 'By Allāh, I have not asked him for it except to use it as my shroud when I die.' " Sahl added, "It (i. e. that sheet) was his shroud (later)."

مِنَ القَوْمِ: يا رَسُولَ اللهِ، اكْسُنِيها. فَقالَ: نَعَمْ، فَجَلَسَ النَّبِيُّ صلى الله عليه وسلَّم في المجلِسِ، ثُمَّ رَجَعَ فَطَوَاها، ثُمَّ أَرْسَلَ بِها إِلَيْهِ. فَقالَ لَهُ القَوْمُ: ما أَحْسَنْتَ سَأَلْتَها إِيَّاهُ، لَقَدْ عَلِمْتَ أَنَّهُ لا يَرُدُّ سائِلًا. فَقالَ الرَّجُلُ: و اللهِ ما سَأَلْتُهُ إِلَّا لِتَكُونَ كَفَني يَوْمَ أَمُوتُ، قالَ سَهْلٌ: فَكانَتْ كَفَنَهُ.

CHAPTER. The carpenter.

بابُ النَّجَّارِ.

307. Narrated Abū Ḥāzim: Some men came to Sahl bin Saᶜd to ask him about the pulpit. He replied, "Allāh's Apostle ﷺ sent a woman (Sahl named her) this message: 'Order your carpenter slave to make pieces of wood (i.e. a pulpit) for me so that I may sit on it while addressing the people.' So, she ordered him to make it from the tamarirk of the forest. He brought it to her and she sent it to Allāh's Apostle ﷺ. Allāh's Apostle ﷺ ordered it to be placed in the mosque: so, it was put and he sat on it.

٣٠٧ - حَدَّثَنا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنا عَبْدُ العَزِيزِ، عَنْ أَبِي حازِمٍ قالَ: أَتَى رِجالٌ سَهْلَ بْنَ سَعْدٍ يَسْأَلُونَهُ عَنِ المِنْبَرِ، فَقالَ: بَعَثَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم إلى فُلانَةَ، امْرَأَةٍ قَدْ سَمَّاها سَهْلٌ، أَنْ مُرِي غُلامَكِ النَّجَّارَ يَعْمَلُ لِي أَعْوادًا أَجْلِسُ عَلَيْهِنَّ إِذا كَلَّمْتُ النَّاسَ، فَأَمَرَتْهُ يَعْمَلُها مِنْ طَرْفاءِ الغابَةِ. ثُمَّ جاءَ بِها فَأَرْسَلَتْ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم بِها فَأَمَرَ بِها فَوُضِعَتْ فَجَلَسَ عَلَيْهِ.

308. Narrated Jabir bin Abdullah ؓ: An Ansari woman said to Allah's Apostle ﷺ, "O Allah's Apostle! Shall I make something for you to sit on, as I have a carpenter-slave?" He replied,

٣٠٨ - حَدَّثَنا خَلَّادُ بْنُ يَحْيَى: حَدَّثَنا عَبْدُ الواحِدِ بْنُ أَيْمَنَ، عَنْ أَبِيهِ، عَنْ جابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أَنَّ امْرَأَةً مِنَ الأَنْصارِ قالَتْ

"If you wish." So, she got a pulpit made for him. When it was Friday the Prophet ﷺ sat on that pulpit. The date-palm stem near which the Prophet ﷺ used to deliver his sermons cried so much so that it was about to burst. The Prophet ﷺ came down from the pulpit to the stem and embraced it and it started groaning like a child being persuaded to stop crying and then it stopped crying. The Prophet ﷺ said, "It cried because of the loss of the speech it used to hear."

CHAPTER. The purchase by the ruler of his necessecities by himself. Ibn ᶜUmar ؓ said, "The Prophet ﷺ bought a camel from ᶜUmar." Ibn ᶜUmar ؓ purchased (goods) by himself. Said ᶜAbdur-Rehmān bin Abū Bakr ؓ, "A pagan came with sheep and the Prophet ﷺ bought a sheep from him and (the Prophet ﷺ also bought) a camel from Jābir."

309. Narrated ᶜAisha ؓ: Allāh's Apostle ﷺ bought food grains from a Jew on credit and mortgaged his armour to him.

لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم: يارَسُولَ اللهِ، ألا أجْعَلُ لكَ شَيْئاً تَقْعُدُ عَلَيْهِ؟ فإنَّ لي غُلاماً نَجَّاراً، قالَ: إنْ شِئْتِ، فَعَمِلَتْ لهُ المِنْبرَ. فَلَمَّا كانَ يَوْمُ الجُمُعَةِ قَعَدَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم علَى المِنْبرِ الَّذِي صُنِعَ فَصاحَتِ النَّخْلَةُ الَّتي كانَ يَخْطُبُ عِنْدَها حتَّى كادَتْ أنْ تَنْشَقَّ، فَنَزَلَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم حتَّى أخَذَها فَضَمَّها إلَيْهِ، فَجَعَلَتْ تَئِنُّ أنِينَ الصَّبِيِّ الَّذِي يُسَكَّتُ حتَّى اسْتَقَرَّتْ. قالَ: بَكَتْ علَى ما كانَتْ تَسْمَعُ مِنَ الذِّكْرِ.

بابٌ شِرَاءِ الإمامِ الحَوَائجَ بِنَفْسِهِ. وقالَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُما: اشْتَرَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم جَمَلاً مِنْ عُمَرَ، واشْتَرَى ابنُ عُمَرَ بِنَفْسِهِ. وقالَ عَبْدُ الرَّحْمَنِ بنُ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما: جاءَ مُشْرِكٌ بِغَنَمٍ فاشْتَرَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم مِنْهُ شاةً، واشْتَرَى مِنْ جابِرٍ بَعِيراً.

٣٠٩ - حدَّثَنا يُوسُفُ بنُ عِيسَى: حدَّثَنا أبُو مُعاوِيَةَ: حدَّثَنا الأعْمَشُ، عَنْ إبْراهِيمَ، عَنِ الأسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: اشْتَرَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم مِنْ يَهُودِيٍّ طَعاماً بِنَسِيئَةٍ ورَهَنَهُ دِرْعَهُ.

CHAPTER. The purchase of animals and donkeys. If somebody buys an animal or a camel and the seller is still riding it, will the bargain be regarded as settled before the seller gets down from it?

Ibn ʿUmar رضي الله عنه said, "The Prophet ﷺ told ʿUmar to sell that unmanageable (untamed) camel to him."

بَابُ شِرَاءِ الدَّوَابِّ وَالحَمِيرِ. وَإِذَا اشْتَرَى دَابَّةً أَوْ جَمَلاً وَهُوَ عَلَيْهِ، هَلْ يَكُونُ ذلِكَ قَبْضًا قَبْلَ أَنْ يَنْزِلَ؟ وَقَالَ ابنُ عُمَرَ رَضِيَ اللهُ عَنْهُمَا، قَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم لِعُمَرَ: بِعْنِيهِ، يَعْنِي جَمَلاً صَعْبًا.

310. Narrated Jābir bin ʿAbdūllah رضي الله عنه: I was with the Prophet ﷺ in a Ghazwa and my camel was slow and exhausted. The Prophet ﷺ came up to me and said, "Jābir." I replied, "Yes?" He said, "What is the matter?" I replied, "My camel is slow and tired, so I am left behind." So, he got down and poked the camel with his stick and then ordered me to ride. I rode the camel and it became so fast that I had to hold it from going ahead of Allāh's Apostle ﷺ. He then asked me, "Have you got married?" I replied in the affirmative. He asked, "A virgin or a matron?" I replied, "I married a matron." The Prophet ﷺ said, "Why have you not married a virgin, so that you may play with her and she may play with you?" Jabir replied, "I have some sisters and I liked to marry a matron who could collect them all and comb their hair and look after them." The Prophet ﷺ said, "Since you have come, I advise you to associate with your wife (that you may have an intelligent son)." Then he asked me, "Would you

٣١٠ - حدَّثَنَا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنَا عَبْدُ الوَهَّابِ: حدَّثَنَا عُبَيْدُ اللهِ، عَنْ وَهْبِ بنِ كَيْسَانَ عَنْ جَابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا قَالَ: كُنْتُ مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم فى غَزَاةٍ فَأَبْطَأَ بِي جَمَلِي وَأَعْيَا، فَأَتَى عَلَيَّ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فَقَالَ: جَابِرٌ؟ فَقُلْتُ: نَعَمْ. قَالَ: مَا شَأْنُكَ؟ قُلْتُ: أَبْطَأَ عَلَيَّ جَمَلِي وَأَعْيَا فَتَخَلَّفْتُ، فَنَزَلَ يَحْجُنُهُ بِمِحْجَنِهِ، ثُمَّ قَالَ: ارْكَبْ فَرَكِبْتُ فَلَقَدْ رَأَيْتُهُ أَكُفُّهُ عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، قَالَ: تَزَوَّجْتَ؟ قُلْتُ: نَعَمْ، قَالَ: بِكْرًا أَمْ ثَيِّبًا؟ قُلْتُ: بَلْ ثَيِّبًا. قَالَ: أَفَلا جَارِيَةً تُلاعِبُهَا وَتُلاعِبُكَ؟ قُلْتُ إِنَّ لِي أَخَوَاتٍ فَأَحْبَبْتُ أَنْ أَتَزَوَّجَ امْرَأَةً تَجْمَعُهُنَّ وَتَمْشُطُهُنَّ وَتَقُومُ عَلَيْهِنَّ. قَالَ: أَمَا إِنَّكَ قَادِمٌ، فَإِذَا قَدِمْتَ فَالكَيْسَ الكَيْسَ، ثُمَّ قَالَ: أَتَبِيعُ جَمَلَكَ؟

like to sell your camel ?" I replied in the affirmative and the Prophet ﷺ purchased it for one Uqīya of gold. Allāh's Apostle ﷺ reached before me and I reached in the morning, and when I went to the mosque, I found him at the door of the mosque. He asked me, "Have you arrived just now ?" I replied in the affirmative. He said, "Leave your camel and come into (the mosque) and pray two Rakeāt." I entered and offered the prayer. He told Bilāl to weigh and give me one Uqīya of gold. So Bilāl weighed for me fairly. I went away and the Prophet ﷺ sent for me and I thought that he would return to me my camel more than which I hated nothing. But the Prophet ﷺ said to me, "Take your camel as well as its price."

قُلْتُ: نَعَمْ، فَاشْتَرَاهُ مِنِّى بِأُوقِيَّةٍ. ثُمَّ قَدِمَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم قَبْلِى وَقَدِمْتُ بِالغَدَاةِ فَجِئْنَا إِلى المَسْجِدِ فَوَجَدْتُهُ عَلَى بَابِ المَسْجِدِ. قَالَ: الآنَ قَدِمْتَ؟ قُلْتُ: نَعَمْ، قَالَ: فَدَعْ جَمَلَكَ فَادْخُلْ فَصَلِّ رَكْعَتَيْنِ. فَدَخَلْتُ فَصَلَّيْتُ فَأَمَرَ بِلَالًا أَنْ يَزِنَ لَهُ أُوقِيَّةً. فَوَزَنَ لِى بِلَالٌ فَأَرْجَحَ لِى فِى المِيزَانِ، فَانْطَلَقْتُ حَتَّى وَلَّيْتُ فَقَالَ: ادْعُ لِى جَابِرًا، قُلْتُ: الآنَ يَرُدُّ عَلَىَّ الجَمَلَ وَلَمْ يَكُنْ شَىْءٌ أَبْغَضَ إِلَىَّ مِنْهُ، قَالَ: خُذْ جَمَلَكَ وَلَكَ ثَمَنُهُ.

CHAPTER. The markets of the Pre-Islamic period where the people continued to trade after embracing Islām.

بَابُ الأَسْوَاقِ الَّتِى كَانَتْ فِى الجَاهِلِيَّةِ فَتَبَايَعَ بِهَا النَّاسُ فِى الإِسْلَامِ.

311. Narrated Ibn ʿAbbās رضي الله عنهما : ʿUkāz, Majanna and Dhul-Majāz were markets in the Pre-Islamic period. When Islām came the people considered it a sin to trade there. So, the following Holy Verse came :—

> 'There is no harm for you (if you seek of the bounty of Allāh) in the Hajj season."

Ibn ʿAbbās recited it like this.

٣١١ - حَدَّثَنَا عَلِىُّ بْنُ عَبْدِ اللهِ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرٍو، عَنِ ابْنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا قَالَ: كَانَتْ عُكَاظٌ وَ مَجَنَّةُ وَ ذُو المَجَازِ أَسْوَاقًا فِى الجَاهِلِيَّةِ، فَلَمَّا كَانَ الإِسْلَامُ تَأَثَّمُوا مِنَ التِّجَارَةِ فِيهَا. فَأَنْزَلَ اللهُ - لَيْسَ عَلَيْكُمْ جُنَاحٌ فِى مَوَاسِمِ الحَجِّ - قَرَأَ ابْنُ عَبَّاسٍ كَذَا.

CHAPTER. Purchasing of camel suffering from skin disease or disease causing severe thirst.

بابُ شِرَاءِ الإِبِلِ الهِيمِ أوِ الأجْرَبِ. الهائمُ: المخالِفُ للقَصْدِ فى كُلّ شَىْءٍ.

312. Narrated ᶜAmr: Here (i.e. in Mecca) there was a man called Nawwās and he had camels with excessive and unquenchable thirst. Ibn ᶜUmar رضي الله عنهما went to the partner of Nawwās and bought those camels. The man returned to Nawwās and told him that he had sold those camels. Nawwās asked him, "To whom have you sold them?" He replied, "To such and such Sheikh." Nawwās said, "Woe to you; By Allāh, that Sheikh was Ibn ᶜUmar." Nawwās then went to Ibn ᶜUmar and said to him, "My partner sold you camels suffering from the disease of excessive thirst and he had not known you." Ibn ᶜUmar told him to take them back. When Nawwās went to take them, Ibn ᶜUmar said to him, "Leave them there as I am happy with the decision of Allāh's Apostle ﷺ that there is no oppression."

٣١٢ ـ حدَّثنا عَلِىُّ بنُ عَبْدِ اللهِ: حدَّثنا سُفْيانُ قالَ: قالَ عَمْرٌو: كانَ هَهُنا رَجُلٌ اسمُهُ نَوّاسٌ وكانَتْ عِنْدَهُ إبِلٌ هِيمٌ، فَذَهَبَ ابنُ عُمَرَ رَضِىَ اللهُ عَنْهُما فاشْتَرَى تِلكَ الإبِلَ مِنْ شَرِيكٍ لهُ فَجاءَ إلَيْهِ شَرِيكُهُ فَقالَ: بِعْنا تِلكَ الإبِلَ، فَقالَ: مِمَّنْ بِعْتَها؟ قالَ: مِنْ شَيْخٍ كَذَا وكَذَا، فَقالَ: وَيْحَكَ ذاكَ واللهِ ابنُ عُمَرَ فَجاءَهُ فَقالَ: إنَّ شَرِيكى باعَكَ إبِلاً هِيماً ولَمْ يَعْرِفْكَ. قالَ: فاسْتَقْها، قالَ: فَلَمّا ذَهَبَ يَسْتاقُها: فَقالَ: دَعْها، رَضِينا بِقَضاءِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، لا عَدْوَى، سَمِعَ سُفْيانُ عَمْراً.

CHAPTER. Selling of arms during the period of affliction and otherwise. ᶜImrān bin Ḥuṣain hated the selling (i.e. of arms) during affliction.

بابُ بَيْعِ السِّلاحِ فى الفِتْنَةِ وغَيْرِها. وكَرِهَ عِمْرَانُ بنُ حُصَيْنٍ بَيْعَهُ فى الفِتْنَةِ.

313. Narrated Abū Qatāda رضي الله عنه: We set out with Allāh's Apostle ﷺ in the year of Ḥunain, (the Prophet ﷺ gave me an armour). I sold that armour and bought a garden in the region of the

٣١٣ ـ حدَّثنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ يَحْيَى بنِ سَعِيدٍ، عَنْ عُمَرَ بنِ كَثِيرٍ، عَنْ أبى مُحَمَّدٍ مَوْلَى أبى قَتادَةَ، عَنْ أبى قَتادَةَ، رَضِىَ اللهُ عَنْهُ قالَ: خَرَجْنا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ

tribe of Banī Salama and that was the first property I got after embracing Islām.

وسلَّم عامَ حُنَيْنٍ فَبِعْتُ الدِّرْعَ فابْتَعْتُ بِهِ مَخْرَفًا فى بَنِى سَلِمَةَ فإنَّهُ لأوَّلُ مالٍ تَأَثَّلْتُهُ فى الإسْلامِ.

CHAPTER. (What is said) about the perfume seller and the selling of musk.

بابٌ فى العَطَّارِ و بَيْعِ المِسْكِ.

314. Narrated Abū Mūsā رضي الله عنه : Allāh's Apostle ﷺ said, "The example of a good companion (who sits with you) in comparison with a bad one, is like that of the musk seller to the blacksmith's bellows (or furnace); from the first you would either buy musk or enjoy its good smell while the bellows would either burn your clothes or your house, or you get a bad nasty smell thereof."

٣١٤ - حدَّثنا مُوسَى بنُ إسماعيلَ: حدَّثنا عَبْدُ الواحِدِ: حدَّثنا أبُو بُرْدَةَ ابنُ عَبْدِ اللهِ قالَ: سَمِعْتُ أبا بُرْدَةَ بنَ أبِى مُوسَى، عَنْ أبِيهِ رَضِىَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَثَلُ الجَلِيسِ الصَّالِحِ والجَلِيسِ السُّوءِ كَمَثَلِ صَاحِبِ المِسْكِ و كِيرِ الحَدَّادِ، لا يَعْدَمُكَ مِنْ صَاحِبِ المِسْكِ إمَّا تَشْتَرِيهِ أوْ تَجِدُ رِيحَهُ، وكِيرُ الحَدَّادِ يُحْرِقُ بَيْتَكَ أوْ ثَوْبَكَ، أوْ تَجِدُ رِيحًا مِنْهُ خَبِيثَةً.

CHAPTER. The mentioning of Al-Ḥajjām (i.e. the one who practises cupping).

بابُ ذِكْرِ الحَجَّامِ.

315. Narrated Anas bin Mālik رضي الله عنه : Abū Ṭaiba cupped Allāh's Apostle ﷺ so he ordered that he be paid one Sa of dates and ordered his masters to reduce his tax (as he was a slave and had to pay a tax to them).

٣١٥ - حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنْ حُمَيْدٍ، عَنْ أنَسِ ابنِ مالِكٍ رَضِىَ اللهُ عَنْهُ قالَ: حَجَمَ أبُو طَيْبَةَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فأمَرَ لهُ بِصاعٍ مِنْ تَمْرٍ، و أمَرَ أهْلَهُ أنْ يُخَفِّفُوا مِنْ خَرَاجِهِ.

316. Narrated Ibn ᶜAbbās رضي الله عنهما : Once the Prophet ﷺ got his blood out

٣١٦ - حدَّثنا مُسَدَّدٌ: حدَّثنا خالِدٌ هُوَ ابنُ عَبْدِ اللهِ: حدَّثنا خالِدٌ، عَنْ

(medically) and paid that person who had done it. If cupping had been illegal the Prophet ﷺ would not have paid him.

عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: احْتَجَمَ النَّبِيُّ صلى اللهُ عليه وسلَّم وأَعْطَى الَّذِي حَجَمَهُ، وَلَوْ كَانَ حَرَامًا لَمْ يُعْطِهِ.

CHAPTER. The trade of cloth, the wearing of which is considered undesireable both for men and women.

بَابُ التِّجَارَةِ فِيمَا يُكْرَهُ لُبْسُهُ لِلرِّجَالِ وَالنِّسَاءِ.

317. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : Once the Prophet ﷺ sent to ʿUmar a silken two-piece garment, and when he saw ʿUmar wearing it, he said to him, "I have not sent it to you to wear. It is worn by him who has no share in the Hereafter, and I have sent it to you so that you could benefit by it (i. e. sell it)."

٣١٧ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا أَبُو بَكْرِ بْنُ حَفْصٍ، عَنْ سَالِمِ ابْنِ عَبْدِ اللهِ بْنِ عُمَرَ، عَنْ أَبِيهِ قَالَ: أَرْسَلَ النَّبِيُّ صلى اللهُ عليه وسلَّم إِلَى عُمَرَ رَضِيَ اللهُ عَنْهُ بِحُلَّةِ حَرِيرٍ أَوْ سِيَرَاءَ فَرَآهَا عَلَيْهِ فَقَالَ: إِنِّي لَمْ أُرْسِلْ بِهَا إِلَيْكَ لِتَلْبَسَهَا، إِنَّمَا يَلْبَسُهَا مَنْ لَا خَلَاقَ لَهُ. إِنَّمَا بَعَثْتُ إِلَيْكَ لِتَسْتَمْتِعَ بِهَا يَعْنِي تَبِيعُهَا.

318. Narrated ʿAisha, the mother of the faithful believers رضي الله عنها : I bought a cushion with pictures on it. When Allāh's Apostle ﷺ saw it, he kept standing at the door and did not enter the house. I noticed the sign of disgust on his face, so I said, "O Allāh's Apostle! I repent to Allāh and His Apostle ﷺ. (Please let me know) what sin I have done." Allāh's Apostle ﷺ said, "What about this cushion?" I replied, "I bought it for you to sit and recline on." Allāh's Apostle ﷺ said, "The painters (i.e. owners) of

٣١٨ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ رَضِيَ اللهُ عَنْهَا: أَنَّهَا أَخْبَرَتْهُ أَنَّهَا اشْتَرَتْ نُمْرُقَةً فِيهَا تَصَاوِيرُ. فَلَمَّا رَآهَا رَسُولُ اللهِ صلى اللهُ عليه وسلَّم قَامَ عَلَى الْبَابِ فَلَمْ يَدْخُلْهُ، فَعَرَفْتُ فِي وَجْهِهِ الْكَرَاهِيَةَ فَقُلْتُ: يَا رَسُولَ اللهِ، أَتُوبُ إِلَى اللهِ وَإِلَى رَسُولِهِ صلى اللهُ عليه وسلَّم، مَا ذَا أَذْنَبْتُ؟ فَقَالَ رَسُولُ اللهِ

these pictures will be punished on the Day of Resurrection. It will be said to them, 'Put life in what you have created (i.e. painted).' " The Prophet ﷺ added, "The angels do not enter a house where there are pictures."

صلى اللهُ عليهِ وسلَّم: ما بالُ هذهِ النُّمْرُقَةِ ؟ قُلْتُ: اشْتَرَيْتُها لكَ لِتَقْعُدَ علَيها و تَوَسَّدَها. فقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: إنَّ أصْحابَ هذهِ الصُّوَرِ يَوْمَ القِيامَةِ يُعذَّبُونَ فيُقالُ لهُمْ: أحْيُوا ما خَلَقْتُم. و قالَ: إنَّ البَيْتَ الَّذِى فيهِ الصُّوَرُ لا تَدْخُلُهُ المَلائِكَةُ.

CHAPTER. The owner of a thing has more right to suggest a price.

بابٌ صاحِبُ السِّلْعَةِ أحَقُّ بالسَّوْمِ.

319. Narrated Anas ؓ: The Prophet ﷺ said, "O Bani Najjār! Suggest a price for your garden." Part of it was a ruin and it contained some date palms.

٣١٩ ـ حدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا عَبْدُ الوارِثِ، عَنْ أبي التَّيَّاحِ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: يا بَنِى النَّجَّارِ، ثامِنُونِى بِحائِطِكُمْ و فِيهِ خِرَبٌ و نَخْلٌ.

CHAPTER. For what period has one the option to confirm or cancel the bargain?

بابٌ كَمْ يَجُوزُ الخِيارُ ؟

320. Narrated Ibn ʿUmar ؓ: The Prophet ﷺ said, "The buyer and the seller have the option to cancel or confirm the bargain before they seperate from each other or if the sale is optional." (1)

٣٢٠ ـ حدَّثَنا صَدَقَةُ: أخْبَرَنا عَبْدُ الوهَّابِ قالَ: سَمِعْتُ يَحْيَى قالَ: سَمِعْتُ نافِعاً عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم

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(1) If the bargain is concluded but the buyer and seller are still at the place where the bargain has taken place, they have the right to cancel or confirm the bargain. If they separate, they no longer have such an option. If, while they are still together, one of them gives the other the option of cancelling or confirming the bargain and they agree upon a decision, the bargain is regarded as final even though they have not seperated. On the other hand, if the buyer and the seller agree upon having the option of cancelling or confirming the bargain after they seperate, the bargain is not regarded as final unless the period of the option has elapsed. (Al-Qastalānī, V. 4, p. 43)

Nāfiᶜ said, "Ibn ᶜUmar used to seperate quickly from the seller if he had bought a thing which he liked."

قالَ: إنَّ المُتبايِعَينِ بالخيارِ في بيعِهِما مالمْ يتفرّقا، أوْ يكونُ البيعُ خياراً. وقالَ نافعٌ: وكانَ ابنُ عُمرَ إذا اشترى شيئاً يُعجِبُهُ فارقَ صاحبَهُ.

321. Narrated Ḥakīm bin Ḥizām ؓ The Prophet ﷺ said, "The buyer and the seller have the option of cancelling or confirming the deal unless they seperate."

٣٢١ ـ حدّثنا حفْصُ بنُ عُمرَ: حدّثنا همّامٌ، عنْ قتادةَ، عنْ أبي الخليلِ، عنْ عبْدِ اللهِ بنِ الحارثِ، عنْ حكيمِ ابنِ حزامٍ رضيَ اللهُ عنْهُ، عنِ النّبيِّ صلى اللهُ عليهِ وسلّم قالَ: البيّعانِ بالخيارِ مالمْ يفترِقا. وزادَ أحمدُ: حدّثنا بهزٌ قالَ: قالَ همّامٌ، فذكرْتُ ذلكَ لأبي التيّاحِ فقالَ: كُنْتُ معَ أبي الخليلِ لمّا حدّثهُ عبْدُ اللهِ بنُ الحارثِ بهذا الحديثِ.

CHAPTER. If the time for the option is not fixed, will the deal be considered as legal?

باب إذا لمْ يُوقّتْ في الخيارِ، هلْ يجوزُ البيْعُ؟.

322. Narrated Ibn ᶜUmar ؓ: Allāh's Apostle ﷺ said, "The seller and the buyer have the option of cancelling or confirming the deal unless they seperate, or one of them says to the other, 'Choose (i. e. decide to cancel or confirm the bargain now).' Perhaps he said, 'Or if it is an optional sale.'"

٣٢٢ ـ حدّثنا أبو النُّعمانِ: حدّثنا حمّادُ بنُ زيْدٍ: حدّثنا أيّوبُ، عنْ نافعٍ، عنِ ابنِ عُمرَ رضيَ اللهُ عنْهما قالَ: قالَ النّبيُّ صلى اللهُ عليهِ وسلّم: البيّعانِ بالخيارِ ما لمْ يتفرّقا، أوْ يقولُ أحدُهما لصاحبِهِ: اخترْ. وربّما قالَ: أوْ يكونُ بيْعَ خيارٍ.

CHAPTER. Both the buyer and the seller have the option to cancel or confirm the bargain, unless they seperate.

باب البيّعانِ بالخيارِ ما لمْ يتفرّقا، وبهِ قالَ ابنُ عُمرَ وشُريحٌ والشّعْبيُّ وطاوُسٌ وعطاءٌ وابنُ أبي مُليْكةَ.

Ibn ᶜUmar, Shuraiḥ, Ash-Shaᶜbī, Ṭāwūs, ᶜAṭā', and Ibn Abū Mulaika agree upon this judgement.

323. Narrated Ḥakīm bin Ḥizām ﵁ The Prophet ﷺ said, "The buyer and the seller have the option of cancelling or confirming the bargain unless they seperate, and if they spoke the truth and made clear the defects of the goods, then they would be blessed in their bargain, and if they told lies and hid some facts, their bargain would be deprived of Allāh's blessings."

٣٢٣ - حدَّثنا إسحاقُ : أخبرَنا حبَّانُ ابنُ هِلالٍ قالَ : حدَّثنا شُعْبَةُ . قالَ قتادَةُ : أخبرَني عَنْ صالحٍ أبي الخليلِ ، عَنْ عبْدِ اللهِ بنِ الحارِثِ قالَ : سَمِعْتُ حكِيمَ بنَ حِزامٍ رَضِيَ اللهُ عنْهُ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : البَيِّعانِ بالخِيارِ ما لمْ يتَفَرَّقا ، فإنْ صدَقا و بيَّنا بُورِكَ لهُما ، و إنْ كذَبا و كتَما مُحِقَتْ برَكَةُ بيْعِهِما .

324. Narrated ᶜAbdullāh bin ᶜUmar ﵄ : Allāh's Apostle ﷺ said, "Both the buyer and the seller have the option of cancelling or confirming a bargain unless they seperate, or the sale is optional." (See Ḥadīth No. 320).

٣٢٤ - حدَّثنا عبْدُ اللهِ بنُ يُوسُفَ : أخبرَنا مالكٌ ، عَنْ نافعٍ ، عَنْ عبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عنْهُما : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : المُتبايِعانِ كُلُّ واحِدٍ مِنْهُما بالخِيارِ على صاحِبِهِ ما لمْ يتَفَرَّقا إلاَّ بيْعُ الخِيارِ .

CHAPTER. If the buyer and the seller give each other the option of cancelling the bargain immediately after the bargain is made (while they are still together), the bargain is rendered final (even if they did not seperate).

بابٌ إذا خيَّرَ أحدُهما صاحِبَهُ بعْدَ البيْعِ فقَدْ وجَبَ البيْعُ .

325. Narrated Ibn ᶜUmar ﵄ : Allāh's Apostle ﷺ said, "Both the buyer and the seller have the option of cancelling or confirming the bargain, as

٣٢٥ - حدَّثنا قُتيْبَةُ : حدَّثنا اللَّيْثُ ، عَنْ نافعٍ ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عنْهُما ، عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم أنَّهُ

long as they are still together, and unless they seperate or one of them gives the other the option of keeping or returning the things and a decision is concluded then, in which case the bargain is considered as final. If they seperate after the bargain and none of them has rejected it, then the bargain is legal and final."

CHAPTER. Is selling permissible if the seller has the option of cancelling the bargain ?

326. Narrated Ibn ʿUmar رضي الله عنهما : The Prophet ﷺ said, "No deal is settled and finalized unless the buyer and the seller seperate, except if the deal is optional (whereby the validity of the bargain depends on the stipulations agreed upon)."

327. Narrated Ḥakīm bin Ḥizām رضي الله عنه The Prophet ﷺ said, "Both the buyer and the seller have the option of cancelling or confirming the bargain unless they seperate."

The sub-narrator, Hammām said, "I found this in my book : 'Both the buyer and the seller give the option of either confirming or cancelling the bargain three times, and if they speak the truth and mention the defects, then their bargain will be blessed, and if they tell lies and conceal the defects, they might gain some financial gain but they will deprive their sale of the blessing.' "

قالَ: إذا تَبايَعَ الرَّجُلانِ فَكُلُّ واحِدٍ مِنْهُما بالخِيارِ ما لَمْ يَتَفَرَّقا وكانا جَمِيعاً، أوْ يُخَيِّرُ أحَدُهُما الآخَرَ فَتَبايَعا عَلى ذَلِكَ فَقَدْ وَجَبَ البَيْعُ، وإنْ تَفَرَّقا بَعْدَ أنْ يَتَبايَعا ولَمْ يَتْرُكْ واحِدٌ مِنْهُما البَيْعَ فَقَدْ وَجَبَ البَيْعُ .

بابٌ إذا كانَ البائِعُ بالخِيارِ هَلْ يَجُوزُ البَيْعُ ؟ .

٣٢٦ - حَدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حَدَّثَنا سُفْيانُ، عَنْ عَبْدِ اللهِ بنِ دِينارٍ، عَنْ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ قالَ: كُلُّ بَيِّعَيْنِ لا بَيْعَ بَيْنَهُما حَتَّى يَتَفَرَّقا إلاَّ بَيْعَ الخِيارِ .

٣٢٧ - حَدَّثَنِي إسْحاقُ: أخْبَرَنا حَبَّانُ: حَدَّثَنا هَمَّامٌ: حَدَّثَنا قَتادَةُ عَنْ أبي الخَلِيلِ، عَنْ عَبْدِ اللهِ بنِ الحارِثِ، عَنْ حَكِيمِ بنِ حِزامٍ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّمَ قالَ: البَيِّعانِ بالخِيارِ حَتَّى يَتَفَرَّقا . قالَ هَمَّامٌ: وجَدْتُ في كِتابي: يَخْتارُ ثَلاثَ مِرارٍ فإنْ صَدَقا وبَيَّنا بُورِكَ لَهُما في بَيْعِهِما، وإنْ كَذَبا وكَتَما فَعَسَى أنْ يَرْبَحا رِبْحاً ويُمْحَقا بَرَكَةَ بَيْعِهِما . قالَ: وحَدَّثَنا هَمَّامٌ: حَدَّثَنا أبُو التَّيَّاحِ: أنَّهُ

CHAPTER. What is said if somebody buys a thing and gives it as a present to someone else before seperating from the seller, and the seller has had no objection to the buyer's action; or if someone buys a slave and then manumits it ?

Tawus said that if somebody bought a thing with mutual agreement and then sold it, then that was his property and the profit would be for him.

Narrated Al-Ḥumaidī from Sufyān from ᶜAmr from Ibn ᶜUmar رضي الله عنهما : We were accompanying the Prophet ﷺ on a journey and I was riding an unmanageable camel belonging to ᶜUmar, and I could not bring it under my control. So, it used to go ahead of the party and ᶜUmar would check it and force it to retreat, and again it went ahead and again ᶜUmar forced it to retreat. The Prophet ﷺ asked ᶜUmar to sell that camel to him. ᶜUmar replied, "It is for you O Allāh's Apostle !" Allāh's Apostle ﷺ told ᶜUmar to sell that camel to him (not to give it as a gift). So, ᶜUmar sold it to Allāh's Apostle ﷺ. Then the Prophet ﷺ said to ᶜAbdullāh bin ᶜUmar, "The camel is for you O ᶜAbdullāh (as a present) and you could do with it whatever you like."

Narrated ᶜAbdullāh bin ᶜUmar رضي الله عنهما :

سَمِعَ عَبْدَ اللهِ بْنَ الحَارِثِ يُحَدِّثُ بِهَذَا الحَدِيثِ عَنْ حَكِيمِ بْنِ حِزَامٍ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم .

بَابٌ إِذَا اشْتَرَى شَيْئًا فَوَهَبَ مِنْ سَاعَتِهِ قَبْلَ أَنْ يَتَفَرَّقَا وَلَمْ يُنْكِرِ البَائِعُ عَلَى المُشْتَرِي أَوِ اشْتَرَى عَبْدًا فَأَعْتَقَهُ . وَقَالَ طَاوُسٌ فِيمَنْ يَشْتَرِي السِّلْعَةَ عَلَى الرِّضَا ثُمَّ بَاعَهَا: وَجَبَتْ لَهُ وَالرِّبْحُ لَهُ. وَقَالَ الحُمَيْدِيُّ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا عَمْرٌو، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ: كُنَّا مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم فى سَفَرٍ فَكُنْتُ عَلَى بَكْرٍ صَعْبٍ لِعُمَرَ فَكَانَ يَغْلِبُنِي فَيَتَقَدَّمُ أَمَامَ القَوْمِ فَيَزْجُرُهُ عُمَرُ وَيَرُدُّهُ، ثُمَّ يَتَقَدَّمُ فَيَزْجُرُهُ عُمَرُ وَيَرُدُّهُ، فَقَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم لِعُمَرَ: بِعْنِيهِ، قَالَ: هُوَ لَكَ يَا رَسُولَ اللهِ. قَالَ: بِعْنِيهِ، فَبَاعَهُ مِنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم. فَقَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: هُوَ لَكَ يَا عَبْدَ اللهِ ابْنَ عُمَرَ تَصْنَعُ بِهِ مَا شِئْتَ. قَالَ أَبُو عَبْدِ اللهِ: وَقَالَ اللَّيْثُ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ: بِعْتُ مِنْ أَمِيرِ المُؤْمِنِينَ عُثْمَانَ بْنِ عَفَّانَ رَضِيَ اللهُ عَنْهُ مَالًا بِالوَادِي بِمَالٍ لَهُ بِخَيْبَرَ .

I bartered my property in Khaiber (1) to ʿUthmān (the chief of the faithful believers) for his property in Al-Wādī (1). When we finished the deal I left immediately and got out of his house lest he should cancel the deal, for the tradition was that the buyer and the seller had the option of cancelling the bargain unless they seperated. When our deal was completed, I came to know that I had been unfair to ʿUthmān, for by selling him my land I caused him to be in the land of Thamūd, at a distance of three days' journey from Medīna while he made me nearer to Medīna, at a distance of three days' journey from my former land.

فَلَمَّا تَبَايَعْنَا رَجَعْتُ عَلَى عَقِبِي حَتَّى خَرَجْتُ مِنْ بَيْتِهِ خَشْيَةَ أَنْ يُرَادَّنِي الْبَيْعَ، وَكَانَتِ السُّنَّةُ أَنَّ الْمُتَبَايِعَيْنِ بِالْخِيَارِ حَتَّى يَتَفَرَّقَا، قَالَ عَبْدُ اللهِ: فَلَمَّا وَجَبَ بَيْعِي وَبَيْعُهُ رَأَيْتُ أَنِّي قَدْ غَبَنْتُهُ بِأَنِّي سُقْتُهُ إِلَى أَرْضِ ثَمُودَ بِثَلَاثِ لَيَالٍ وَسَاقَنِي إِلَى الْمَدِينَةِ بِثَلَاثِ لَيَالٍ.

CHAPTER. What kind of cheating in business is disliked.

بَابُ مَا يُكْرَهُ مِنَ الْخِدَاعِ فِي الْبَيْعِ.

328. Narrated ʿAbdullāh bin ʿUmar : A person came to the Prophet ﷺ and told him that he was always betrayed in purchasing. The Prophet ﷺ told him to say at the time of buying, "No cheating."

٣٢٨ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَجُلًا ذَكَرَ لِلنَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ يُخْدَعُ فِي الْبُيُوعِ، فَقَالَ: إِذَا بَايَعْتَ فَقُلْ لَا خِلَابَةَ.

CHAPTER. What is said about markets. And narrated ʿAbdur-Raḥmān bin ʿAuf: On our arrival in Medina, I asked whether there was a market of trading. Somebody said, "There is the market of Qainuqāʿ."

بَابُ مَا ذُكِرَ فِي الْأَسْوَاقِ، وَقَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ: لَمَّا قَدِمْنَا الْمَدِينَةَ، قُلْتُ: هَلْ مِنْ سُوقٍ فِيهِ تِجَارَةٌ؟ فَقَالَ: سُوقُ قَيْنُقَاعَ. وَقَالَ

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(1) Al-Wādī is a district near Medīna. Khaiber is six stages to the north west of Medīna.

Narrated Anas: ᶜAbdur-Raḥmān said, "Show me the market." And ᶜUmar said, "Trading in the market diverted my attention (from better things)."

329. Narrated ᶜĀisha (رضي الله عنها): Allāh's Apostle ﷺ said, "An army will invade the Kaᶜba and when the invaders reach Al-Baidā᾿, all the ground will sink and swallow the whole army." I said, "O Allāh's Apostle! How will they sink into the ground while amongst them will be their markets (the people who worked in business and not invaders) (1) and the people not belonging to them?" The Prophet ﷺ replied, "All of those people will sink but they will be resurrected and judged according to their intentions."

330. Narrated Abū Huraira (رضي الله عنه): Allāh's Apostle ﷺ said, "The congregational prayer of anyone amongst you is more than twenty times in reward than his prayer in the market or in his house, for if he performs ablution completely and then goes to the mosque with the sole intention of performing the prayer, and nothing urges him to proceed to the mosque except the prayer, then, on every step which he takes towards the mosque, he will be raised one

عَبْدُ الرَّحْمَنِ : دُلُّونِى عَلَى السُّوقِ . وقَالَ عُمَرُ : أَلْهَانِى الصَّفْقُ بِالأَسْوَاقِ .

٣٢٩ ـ حَدَّثَنِى مُحَمَّدُ بْنُ الصَّبَّاحِ : حَدَّثَنَا إِسْمَاعِيلُ بْنُ زَكَرِيَّاءَ ، عَنْ مُحَمَّدِ بْنِ سُوقَةَ ، عَنْ نَافِعِ بْنِ جُبَيْرِ ابْنِ مُطْعِمٍ قَالَ : حَدَّثَتْنِى عَائِشَةُ رَضِىَ اللهُ عَنْهَا قَالَتْ : قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يَغْزُو جَيْشٌ الكَعْبَةَ ، فَإِذَا كَانُوا بِبَيْدَاءَ مِنَ الأَرْضِ يُخْسَفُ بِأَوَّلِهِمْ و آخِرِهِمْ . قَالَتْ : قُلْتُ : يَا رَسُولَ اللهِ ، كَيْفَ يُخْسَفُ بِأَوَّلِهِمْ و آخِرِهِمْ و فِيهِمْ أَسْوَاقُهُمْ و مَنْ لَيْسَ مِنْهُمْ ؟ قَالَ : يُخْسَفُ بِأَوَّلِهِمْ و آخِرِهِمْ ، ثُمَّ يُبْعَثُونَ عَلَى نِيَّاتِهِمْ .

٣٣٠ ـ حَدَّثَنَا قُتَيْبَةُ : حَدَّثَنَا جَرِيرٌ . عَنِ الأَعْمَشِ ، عَنْ أَبِى صَالِحٍ ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قَالَ : قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : صَلاةُ أَحَدِكُمْ فى جَمَاعَةٍ تَزِيدُ عَلَى صَلاتِهِ فى سُوقِهِ و بَيْتِهِ بِضْعًا و عِشْرِينَ دَرَجَةً ، وذَلِكَ بِأَنَّهُ إِذَا تَوَضَّأَ فَأَحْسَنَ الوُضُوءَ ، ثُمَّ أَتَى المَسْجِدَ لا يُرِيدُ إِلاَّ الصَّلاةَ

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(1) The Arabic word for 'markets' occurs in some narrations in the form of other words which are also probable. Those probable words stand for such words as 'nobles' or 'other people'.

degree or one of his sins will be forgiven. The angels will keep on asking Allāh's forgiveness and blessings for everyone of you so long as he keeps sitting at his praying place. The angels will say, 'O Allāh, bless him! O Allāh, be merciful to him!' as long as he does not do Ḥadat͟h or a thing which gives trouble to the other."

The Prophet ﷺ further said, "One is regarded in prayer so long as one is waiting for the prayer."

لا يَنْهَزُهُ إلاَّ الصَّلاةُ لَمْ يَخْطُ خَطْوَةً إلاَّ رُفِعَ بِها دَرَجَةٌ، أوْ حُطَّتْ عَنْهُ بِها خَطِيئَةٌ. والمَلائِكَةُ تُصَلِّى عَلَى أحَدِكُمْ ما دَامَ فى مُصَلاَّهُ الَّذِى يُصَلِّى فِيهِ: اللَّهُمَّ صَلِّ عليهِ، اللَّهُمَّ ارْحَمْهُ ما لَمْ يُحْدِثْ فِيهِ، ما لَمْ يُؤْذِ فِيهِ. وقالَ: أحَدُكُمْ فى صَلاةٍ ما كانَتِ الصَّلاةُ تَحْبِسُهُ.

331. Narrated Anas bin Mālik ؓ: While the Prophet ﷺ was in the market, somebody called, "O Abū-l-Qāsim." The Prophet ﷺ turned to him. The man said, "I have called to this (i.e. another man)." The Prophet ﷺ said, "Call yourselves after my name but not my kunya name." (1) (In Arabic it is the custom to call the man as the father of his eldest son, e. g. Abū-l-Qāsim.)

٣٣١ ـ حدَّثنا آدَمُ بنُ أبى إياسٍ: حدَّثنا شُعْبَةُ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أنَسِ بنِ مالِكٍ رَضِىَ اللهُ عَنْهُ قالَ: كانَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم فى السُّوقِ فَقالَ رَجُلٌ: يا أبا القاسِمِ، فالتَفَتَ إلَيْهِ النَّبِىُّ صلى اللهُ عليهِ وسلَّم فَقالَ: إنَّما دَعَوْتُ هذا، فَقالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: سَمُّوا باسْمِى ولا تَكَنَّوْا بِكُنْيَتِى.

332. Narrated Anas ؓ: A man at Al-Baqī' called, "O Abū-l-Qāsim!" The Prophet ﷺ turned to him and the man said (to the Prophet ﷺ), "I did not intend to call to you." The Prophet ﷺ said, "Call yourselves after my name but not my kunya name."

٣٣٢ ـ حدَّثنا مالِكُ بنُ إسماعِيلَ: حدَّثنا زُهَيْرٌ، عَنْ حُمَيْدٍ، عَنْ أنَسٍ رَضِىَ اللهُ عَنْهُ: دَعا رَجُلٌ بالبَقِيعِ: يا أبا القاسِمِ، فالتَفَتَ إلَيْهِ النَّبِىُّ صلى اللهُ عليهِ وسلَّم فَقالَ: لَمْ أعْنِكَ، قالَ: سَمُّوا باسْمِى ولا تَكْتَنُوا بِكُنْيَتِى.

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(1) Kunya: Means calling a man: O father of so and so! Or calling a woman: O mother of so and so and this is a custom of the Arabic.

333. Narrated Abū Huraira Ad-Dausī ؓ: Once the Prophet ﷺ went out during the day. Neither did he talk to me nor I to him till he reached the market of Banī Qainuqāᶜ, and then he sat in the compound of Fāṭima's house and asked about the small boy (his grandson Al-Ḥasan ﷷ) but Fāṭima kept the boy in for a while. I thought she was either changing his clothes or giving the boy a bath. After a while the boy came out running and the Prophet ﷺ embraced and kissed him and then said, "O Allāh! Love him, and love whoever loves him."

334. Narrated Nāfiᶜ: Ibn ᶜUmar ؓ told us that the people used to buy food from the caravans in the lifetime of the Prophet ﷺ. The Prophet ﷺ used to forbid them to sell it at the very place where they had purchased it (but they were to wait) till they carried it to the market where foodstuff was sold. Ibn ᶜUmar ؓ said, "The Prophet ﷺ also forbade the re-selling of foodstuff by somebody who had bought it unless he had received it with exact full measure."

CHAPTER. The dislike of raising voices in the market.

335. Narrated ᶜAṭā᾽ bin Yāsar: I met

٣٣٣ ـ حدَّثنا عليُّ بنُ عبدِ اللهِ: حدَّثنا سُفيانُ، عن عُبيدِ اللهِ بنِ أبي يزيدَ، عن نافعِ بنِ جُبيرِ بنِ مُطعِمٍ، عن أبي هُريرةَ الدَّوسيِّ رضيَ اللهُ عنهُ قالَ: خرجَ النَّبيُّ صلى اللهُ عليهِ وسلَّم في طائفةِ النَّهارِ لا يُكلِّمُني ولا أُكلِّمُهُ حتَّى أتى سُوقَ بني قَينُقاعٍ فجلسَ بِفناءِ بيتِ فاطمةَ فقالَ: أثَمَّ لُكَعُ؟ أثَمَّ لُكَعُ؟ فحبَستْهُ شيئًا فظننتُ أنَّها تُلبِسُهُ سِخابًا أو تُغسِّلُهُ، فجاءَ يشتدُّ حتَّى عانقَهُ وقبَّلَهُ وقالَ: اللَّهمَّ أحبِبْهُ وأحِبَّ مَن يُحبُّهُ. قالَ سُفيانُ: قالَ عُبيدُ اللهِ: أخبرَني أنَّهُ رأى نافعَ بنَ جُبيرٍ أوترَ بِركعةٍ.

٣٣٤ ـ حدَّثنا إبراهيمُ بنُ المُنذرِ: حدَّثنا أبو ضَمرةَ: حدَّثنا موسى، عن نافعٍ: حدَّثنا ابنُ عُمرَ أنَّهم كانُوا يشترُونَ الطَّعامَ مِنَ الرُّكبانِ على عهدِ النَّبيِّ صلى اللهُ عليهِ وسلَّم فيبعثُ عليهِم مَن يمنعُهُم أنْ يبيعُوهُ حيثُ اشترَوهُ حتَّى ينقُلُوهُ حيثُ يُباعُ الطَّعامُ. قالَ: وحدَّثنا ابنُ عُمرَ رضيَ اللهُ عنهُما قالَ: نهَى النَّبيُّ صلى اللهُ عليهِ وسلَّم أنْ يُباعَ الطَّعامُ إذا اشتراهُ حتَّى يستوفيَهُ.

باب كراهيةِ السَّخَبِ في السُّوقِ.

٣٣٥ ـ حدَّثنا مُحمَّدُ بنُ سِنانٍ: حدَّثنا

ᶜAbdullāh bin ᶜAmr bin Al-ᶜĀs and asked him, "Tell me about the description of Allāh's Apostle ﷺ which is mentioned in the Torah (i.e. Old Testament)." He replied, "Yes. By Allāh, he is described in the Torah with some of the qualities attributed to him in the Qurʾān as follows :—

'O Prophet ! We have sent you as a witness
(for Allāh's True religion)
And a giver of good tidings
(to the faithful believers),
And a warner (to the unbelievers)
And guardian of the illiterates.
You are My slave and My messenger (i.e. Apostle).
I have named you "Al-Mutawakkil" (who depends upon Allāh)
You are neither discourtious, harsh
Nor a noise-maker in the markets,
And you do not do evil to those
Who do evil to you, but you deal
With them with forgiveness and kindness.
Allāh will not let him (the Prophet ﷺ)
Die till he makes straight the crooked religion of the people by making them say :
"None has the right to be worshipped but Allāh,"
With which will be opened blind eyes
And deaf ears and enveloped hearts.'

فُلَيْحٌ: حدَّثنا هِلالٌ، عَنْ عَطاءِ بنِ يَسارٍ قالَ: لَقِيتُ عَبْدَ اللهِ بنَ عَمْرِو ابنِ العاصِي رَضِيَ اللهُ عَنْهُما، قُلْتُ: أخْبِرْنى عَنْ صِفَةِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فى التَّوْراةِ. قالَ أجَلْ، واللهِ إنَّهُ لمَوْصُوفٌ فى التَّوْراةِ بِبَعْضِ صِفَتِهِ فى القُرْآنِ: يا أيُّها النَّبِيُّ إنَّا أرْسَلْناكَ شاهِدًا و مُبَشِّرًا و نَذِيرًا و حِرْزًا لِلأُمِّيِّينَ، أنْتَ عَبْدِى و رسُولى، سَمَّيْتُكَ المُتَوَكِّلَ. لَيْسَ بِفَظٍّ ولا غَلِيظٍ، ولا سَخَّابٍ فى الأسْوَاقِ، ولا يَدْفَعُ بالسَّيِّئَةِ السَّيِّئَةَ، ولَكِنْ يَعْفُو و يَغْفِرُ. ولَنْ يَقْبِضَهُ اللهُ حتَّى يُقِيمَ بِهِ المِلَّةَ العَوْجاءَ بأنْ يَقُولُوا: لا إلَهَ إلاَّ اللهُ، و يُفْتَحُ بِها أعْيُنٌ عُمْىٌ، و آذانٌ صُمٌّ، و قلُوبٌ غُلْفٌ. تابَعَهُ عَبدُ العَزِيزِ ابنُ أبى سَلَمَةَ عَنْ هِلالٍ. و قالَ سَعِيدٌ، عَنْ هِلالٍ، عَنْ عَطاءٍ، عَنْ ابنِ سَلاَمٍ.

CHAPTER. Weighing or measuring

بابُ الكَيْلِ عَلَى البائعِ والمُعْطى،

goods is to be done by the seller or the giver. And the Statement of Allāh عَزَّ وَجَلَّ :-

> 'Whenever they measure or weigh for the people, they reduce their rights.' (83 : 3)

The Prophet ﷺ said, "When you receive what you buy by measure, let it be exact full measure."

Narrated ᶜUthmān ؓ that the Prophet ﷺ told him, "If you are the seller, you have to measure, and if you are the buyer, then let the seller measure for you."

وَقَوْلِ اللهِ عَزَّ وَجَلَّ - وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ - يَعْنِي كَالُوا لَهُمْ وَوَزَنُوا لَهُمْ. كَقَوْلِهِ - يَسْمَعُونَكُمْ - يَسْمَعُونَ لَكُمْ. وَقَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: اكْتَالُوا حَتَّى تَسْتَوْفُوا. وَيُذْكَرُ عَنْ عُثْمَانَ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم قَالَ لَهُ: إِذَا بِعْتَ فَكِلْ، وَإِذَا ابْتَعْتَ فَاكْتَلْ.

336. Narrated ᶜAbdullāh bin ᶜUmar ؓ : Allāh's Apostle ﷺ said, "He who buys foodstuff should not sell it till he is satisfied with the measure with which he has bought it."

٣٣٦ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قَالَ: مَنِ ابْتَاعَ طَعَامًا فَلَا يَبِعْهُ حَتَّى يَسْتَوْفِيَهُ.

337. Narrated Jābir ؓ : ᶜAbdullah bin ᶜAmr bin Ḥarām died and was in debt to others. I asked the Prophet ﷺ to intercede with his creditors for some reduction in the debts. The Prophet ﷺ requested them (to reduce the debts), but they refused. The Prophet ﷺ said to me, "Go and divide your dates according to their different kinds, the ᶜAjwa on one side, the cluster of Ibn Zaid on another side, etc., then call me." I did so and called the Prophet ﷺ . He came and sat at the head or in the middle of the heaps and ordered me, "Measure (the

٣٣٧ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ: عَنْ جَابِرٍ رَضِيَ اللهُ عَنْهُ قَالَ: تُوُفِّيَ عَبْدُ اللهِ بْنُ عَمْرِو بْنِ حَرَامٍ وَعَلَيْهِ دَيْنٌ، فَاسْتَعَنْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم عَلَى غُرَمَائِهِ أَنْ يَضَعُوا مِنْ دَيْنِهِ، فَطَلَبَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم إِلَيْهِمْ فَلَمْ يَفْعَلُوا. فَقَالَ لِيَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: اذْهَبْ فَصَنِّفْ تَمْرَكَ أَصْنَافًا، الْعَجْوَةَ عَلَى حِدَةٍ، وَعَذْقَ ابْنِ زَيْدٍ عَلَى حِدَةٍ، ثُمَّ أَرْسِلْ إِلَيَّ. فَفَعَلْتُ ثُمَّ

أَرْسَلْتُ إِلَى النَّبِيِّ صلى اللهُ عليه وسلَّم فَجَاءَ فَجَلَسَ عَلَى أَعْلَاهُ أَوْ فِي وَسَطِهِ، ثُمَّ قَالَ: كِلْ لِلْقَوْمِ. فَكِلْتُهُمْ حَتَّى أَوْفَيْتُهُمُ الَّذِي لَهُمْ وَبَقِيَ تَمْرِي كَأَنَّهُ لَمْ يَنْقُصْ مِنْهُ شَيْءٌ. وَقَالَ فِرَاسٌ، عَنِ الشَّعْبِيِّ: حَدَّثَنِي جَابِرٌ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم: فَمَا زَالَ يَكِيلُ لَهُمْ حَتَّى أَدَّاهُ. وَقَالَ هِشَامٌ، عَنْ وَهْبٍ، عَنْ جَابِرٍ قَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: جُذَّ لَهُ فَأَوْفِ لَهُ.

dates) for them." I measured for them till I paid all the debts. My dates remained as if nothing had been taken from them. In other narrations Jābir said ; The Prophet ﷺ said, "He (i.e. ᶜAbdullāh) continued measuring for them till he paid all the debts." The Prophet ﷺ said (to ᶜAbdullāh), "Cut (clusters) for him (one of the creditors) and measure for him fully."

بَابُ مَا يُسْتَحَبُّ مِنَ الْكَيْلِ.

CHAPTER. What is considered preferable regarding measuring.

٣٣٨ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: حَدَّثَنَا الْوَلِيدُ، عَنْ ثَوْرٍ، عَنْ خَالِدِ ابْنِ مَعْدَانَ، عَنِ الْمِقْدَامِ ابْنِ مَعْدِ يْكَرِبَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قَالَ: كِيلُوا طَعَامَكُمْ يُبَارَكْ لَكُمْ.

338. Narrated Al-Miqdām bin Maᶜdiyakrib ؓ : The Prophet ﷺ said, "Measure your foodstuff and you will be blessed."

بَابُ بَرَكَةِ صَاعِ النَّبِيِّ صلى اللهُ عليه وسلَّم وَمُدِّهِ: فِيهِ عَائِشَةُ رَضِيَ اللهُ عَنْهَا عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم.

CHAPTER. Allāh's Blessing in the Ṣāᵓ and Mudd of the Prophet ﷺ .

This has been narrated by ᶜAisha ؓ from the Prophet ﷺ .

٣٣٩ - حَدَّثَنَا مُوسَى: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا عَمْرُو بْنُ يَحْيَى، عَنْ عَبَّادِ ابْنِ تَمِيمٍ الْأَنْصَارِيِّ، عَنْ عَبْدِ اللهِ ابْنِ زَيْدٍ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم: أَنَّ إِبْرَاهِيمَ حَرَّمَ

339. Narrated ᶜAbdullāh bin Zaid ؓ : The Prophet ﷺ said, "The Prophet Abraham made Mecca a sanctuary, and asked for Allāh's blessing in it. I made Medina a sanctuary as Abraham made Mecca a sanctuary and I asked for Allāh's

Blessing in its measures —— the Mudd and the Sāʿ as Abraham did for Mecca.

مَكَّةَ وَدَعَا لَهَا، وَحَرَّمْتُ الْمَدِينَةَ كَمَا حَرَّمَ إِبْرَاهِيمُ مَكَّةَ وَدَعَوْتُ لَهَا فى مُدِّهَا وَصَاعِهَا مِثْلَ مَا دَعَا إِبْرَاهِيمُ لِمَكَّةَ .

340. Narrated Anas bin Mālik ؓ : Allāh's Apostle ﷺ said, "O Allāh bestow your blessings on their measures, bless their Mudd and Sāʿ." The Prophet ﷺ meant the people of Medīna.

٣٤٠ - حَدَّثَنِى عَبْدُ اللهِ بْنُ مَسْلَمَةَ . عَنْ مَالِكٍ ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللهِ ابْنِ أَبِى طَلْحَةَ ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِىَ اللهُ عَنْهُ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قَالَ : اللَّهُمَّ بَارِكْ لَهُمْ فى مِكْيَالِهِمْ ، وَبَارِكْ لَهُمْ فى صَاعِهِمْ ، وَمُدِّهِمْ يَعْنِى أَهْلَ الْمَدِينَةِ .

CHAPTER. What is said about the selling of the foodstuff and its storage.

بابُ مَا يُذْكَرُ فى بَيْعِ الطَّعَامِ وَالْحُكْرَةِ .

341. Narrated Sālim from his father ؓ, who said, "I saw those, who used to buy foodstuff randomly (without measuring or weighing) in the life time of the Prophet ﷺ punished if they sold it before carrying it to their own houses."

٣٤١ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ : أَخْبَرَنَا الْوَلِيدُ بْنُ مُسْلِمٍ ، عَنِ الأَوْزَاعِىِّ ، عَنِ الزُّهْرِىِّ ، عَنْ سَالِمٍ ، عَنْ أَبِيهِ رَضِىَ اللهُ عَنْهُ قَالَ : رَأَيْتُ الَّذِينَ يَشْتَرُونَ الطَّعَامَ مُجَازَفَةً يُضْرَبُونَ عَلَى عَهْدِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم أَنْ يَبِيعُوهُ حَتَّى يُؤْوُوهُ إِلَى رِحَالِهِمْ .

342. Narrated Tāwūs: Ibn ʿAbbās ؓ said, "Allāh's Apostle ﷺ forbade the selling of foodstuff before its measuring

٣٤٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ : حَدَّثَنَا وُهَيْبٌ ، عَنِ ابْنِ طَاوُسٍ ، عَنْ أَبِيهِ ، عَنِ ابْنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا :

and transferring into one's possession." I asked Ibn ʿAbbās, "How is that ?" Ibn ʿAbbās replied, "It will be just like selling money for money, as the foodstuff has not been handed over to the first purchaser who is the present seller."

343. Narrated Ibn ʿUmar ؓ : The Prophet ﷺ said, "He who buys foodstuff should not sell it till he has received it."

344. Narrated Az-Zuhrī from Mālik bin Aus that the latter said, "Who has change ?" Ṭalḥā said, "I (will have change) when our store-keeper comes from the forest."

Narrated ʿUmar bin Al-Khaṭṭāb ؓ Allāh's Apostle ﷺ said, "The bartering of gold for silver (1), wheat grain for wheat grain, dates for dates, and barley for barley, is Ribā, except if it is from hand to hand."

أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى أَنْ يَبِيعَ الرَّجُلُ طَعَامًا حَتَّى يَسْتَوْفِيَهُ. قُلْتُ لابنِ عَبَّاسٍ: كَيْفَ ذَاكَ؟ قَالَ: ذَاكَ دَرَاهِمُ بِدَرَاهِمَ، والطَّعَامُ مُرْجأٌ. قَالَ أَبُو عَبْدِ اللهِ: مُرْجَأُونَ: مُؤَخَّرُونَ.

٣٤٣ ـ حَدَّثَنِى أَبُو الوَلِيدِ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَبْدُ اللهِ بنُ دِينارٍ قَالَ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: قَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: مَنِ ابْتَاعَ طَعَامًا فَلَا يَبِعْهُ حَتَّى يَقْبِضَهُ.

٣٤٤ ـ حَدَّثَنَا عَلِيٌّ: حَدَّثَنَا سُفْيانُ: كَانَ عَمْرُو بنُ دِينَارٍ يُحَدِّثُهُ عَنِ الزُّهْرِيِّ، عَنْ مالكِ بنِ أَوْسٍ أَنَّهُ قَالَ: مَنْ عِنْدَهُ صَرْفٌ؟ فَقَالَ طَلْحَةُ: أَنَا حَتَّى يَجِيءَ خَازِنُنَا مِنَ الغَابَةِ. قَالَ سُفْيانُ: هُوَ الَّذِى حَفِظْنَاهُ مِنَ الزُّهْرِيِّ لَيْسَ فِيهِ زِيادَةٌ. فَقَالَ: أَخْبَرَنِى مالكُ ابنُ أَوْسٍ: أَنَّهُ سَمِعَ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ يُخْبِرُ عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم قَالَ: الذَّهَبُ بالوَرِقِ رِبا إِلاَّ هَاءَ وَهَاءَ، والبُرُّ بالبُرِّ رِباً إِلاَّ هَاءَ وَهَاءَ، والتَّمْرُ بالتَّمْرِ رِباً إِلاَّ هَاءَ وَهَاءَ، والشَّعِيرُ بالشَّعِيرِ رِباً إِلاَّ هَاءَ وَهَاءَ.

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(1) Some said, "Gold for gold."

CHAPTER. The selling of foodstuff before receiving it, and the selling of a thing which you don't have. (1)

باب بَيْعِ الطَّعامِ قَبْلَ أنْ يُقْبَضَ، وبَيْعِ ما لَيْسَ عِنْدَكَ.

345. Narrated Ibn ʿAbbās ؓ: The Prophet ﷺ forbade the selling of foodstuff before receiving it. I consider that all types of sellings should be done similarly.

٣٤٥ - حدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ قالَ: الَّذِي حَفِظْناهُ مِنْ عَمْرِو بنِ دِينارٍ سَمِعَ طاوُسًا يَقُولُ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: أمَّا الَّذِي نَهَى عَنْهُ النَّبِيُّ صلى اللهُ عليه وسلَّم فَهُوَ الطَّعامُ أنْ يُباعَ حتَّى يُقْبَضَ. قالَ ابنُ عَبَّاسٍ: ولا أحْسِبُ كُلَّ شَيْءٍ إلاَّ مِثْلَهُ.

346. Narrated Ibn ʿUmar ؓ: The Prophet ﷺ said, "The buyer of foodstuff should not sell it before it has been measured for him." Ismāʿīl narrated instead, "He should not sell it before receiving it."

٣٤٦ - حدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثَنا مالِكٌ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم قالَ: مَنِ ابْتاعَ طَعامًا فَلا يَبِعْهُ حتَّى يَسْتَوْفِيَهُ. زادَ إسْماعِيلُ: فَلا يَبِعْهُ حتَّى يَقْبِضَهُ.

CHAPTER. Whoever had the opinion that whoever bought foodstuff randomly should not sell it before bringing it into his house; and the punishment for whoever disobeys this order.

باب مَنْ رَأى إذا اشْتَرَى طَعامًا جِزافًا أنْ لا يَبِيعَهُ حتَّى يُؤْوِيَهُ إلى رَحْلِهِ، والأدَبِ في ذلكَ.

347. Narrated Ibn ʿUmar ؓ:

٣٤٧ - حدَّثَنا يَحْيَى بنُ بُكَيْرٍ:

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(1) If one buys foodstuff for one pound and sells it for two pounds before receiving it from the first seller, the transaction is illegal for it is usurious, for it is as if one bartered gold for gold, one pound for two pounds. It is also the sale of something absent for something present which is illegal also. (Al-Qasṭalānī V. 4, p. 56)

I saw the people buy foodstuff randomly (i.e. without measuring it) in the life-time of Allāh's Apostle ﷺ and they were punished (by beating), if they tried to sell it before carrying it to their own houses.

حَدَّثَنَا اللَّيْثُ، عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِى سَالِمُ بْنُ عَبْدِ اللهِ: أَنَّ ابْنَ عُمَرَ رَضِىَ اللهُ عَنْهُمَا قَالَ: لَقَدْ رَأَيْتُ النَّاسَ فِى عَهْدِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم يَبْتَاعُونَ جِزَافًا، يَعْنِى الطَّعَامَ، يُضْرَبُونَ أَنْ يَبِيعُوهُ فِى مَكَانِهِمْ حَتَّى يُؤْوُوهُ إِلَى رِحَالِهِمْ.

CHAPTER. If somebody buys some goods or (an) animal and let it with the seller or it dies before he takes it into his possession.

Ibn ʿUmar رضي الله عنهما said, "If on the time of the transaction the sold animal is living and then it dies while still in the custody of the seller, then the buyer is the loser."

بَابٌ إِذَا اشْتَرَى مَتَاعًا أَوْ دَابَّةً فَوَضَعَهُ عِنْدَ الْبَائِعِ أَوْ مَاتَ قَبْلَ أَنْ يُقْبَضَ. وَقَالَ ابْنُ عُمَرَ رَضِىَ اللهُ عَنْهُمَا: مَا أَدْرَكَتِ الصَّفْقَةُ حَيًّا مَجْمُوعًا فَهُوَ مِنَ الْمُبْتَاعِ.

348. Narrated ʿĀisha رضي الله عنها : Rarely did the Prophet ﷺ fail to visit Abū Bakr's house everyday, either in the morning or in the evening. When the permission for migration to Medīna was granted, the Prophet ﷺ all of a sudden came to us at noon and Abū Bakr was informed about his coming. Abū Bakr said, "Certainly the Prophet ﷺ must have come for some urgent matter." When Abū Bakr came to the Prophet ﷺ he said to Abū Bakr, "Let nobody stay in your home." Abū Bakr said, "O Allāh's Apostle! There are only my two daughters (namely ʿĀisha and Asmā) present." The Prophet ﷺ said, "I have been informed that I have been granted the permission for migration."

٣٤٨ـ حَدَّثَنَا فَرْوَةُ بْنُ أَبِى الْمَغْرَاءِ: أَخْبَرَنَا عَلِىُّ بْنُ مُسْهِرٍ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِىَ اللهُ عَنْهَا قَالَتْ: لَقَلَّ يَوْمٌ كَانَ يَأْتِى عَلَى النَّبِىِّ صلى اللهُ عليهِ وسلَّم إِلَّا يَأْتِى فِيهِ بَيْتَ أَبِى بَكْرٍ أَحَدَ طَرَفَى النَّهَارِ، فَلَمَّا أُذِنَ لَهُ فِى الْخُرُوجِ إِلَى الْمَدِينَةِ لَمْ يَرُعْنَا إِلَّا وَقَدْ أَتَانَا ظُهْرًا فَخُبِّرَ بِهِ أَبُو بَكْرٍ، فَقَالَ: مَا جَاءَنَا النَّبِىُّ صلى اللهُ عليهِ وسلَّم فِى هَذِهِ السَّاعَةِ إِلَّا لِأَمْرٍ حَدَثَ. فَلَمَّا دَخَلَ عَلَيْهِ قَالَ لِأَبِى بَكْرٍ: أَخْرِجْ مَنْ عِنْدَكَ. قَالَ: يَا رَسُولَ اللهِ، إِنَّمَا هُمَا ابْنَتَاىَ، يَعْنِى عَائِشَةَ. وَأَسْمَاءَ، قَالَ:

Abū Bakr said, "I will accompany you, O Allāh's Apostle!" The Prophet ﷺ said, "You will accompany me." Abū Bakr then said, "O Allāh's Apostle! I have two she-camels I have prepared specially for migration, so I offer you one of them. The Prophet ﷺ said, "I have accepted it provided that I will pay its price."

أَشَعَرْتَ أَنَّهُ قَدْ أُذِنَ لِى فِى الخُرُوجِ. قَالَ: الصُّحْبَةَ يَا رَسُولَ اللهِ، قَالَ: الصُّحْبَةَ، قَالَ: يَا رَسُولَ اللهِ، إِنَّ عِنْدِى نَاقَتَيْنِ أَعْدَدْتُهُمَا لِلخُرُوجِ فَخُذْ إِحْدَاهُمَا، قَالَ: قَدْ أَخَذْتُهَا بِالثَّمَنِ.

CHAPTER. A seller should not urge somebody (in case of optional sale) to cancel a bargain the latter has already agreed upon with another seller so as to sell him his own goods; and a buyer should not urge the seller to cancel a bargain already agreed upon with another buyer so as to buy the goods himself, unless they are given permission in both cases or the bargains are cancelled with the willing of both the seller and the buyer.

بَابٌ لَا يَبِيعُ عَلَى بَيْعِ أَخِيهِ، وَلَا يَسُومُ عَلَى سَوْمِ أَخِيهِ حَتَّى يَأْذَنَ لَهُ أَوْ يَتْرُكَ.

349. Narrated ʿAbdullāh bin ʿUmar ؓ: Allāh's Apostle ﷺ said, "Do not urge someone to return what he has already bought (i.e. in optional sale) from another seller so as to sell him your own goods."

٣٤٩ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِى مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِىَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ صلى الله عليه وسلَّم قَالَ: لَا يَبِيعُ بَعْضُكُمْ عَلَى بَيْعِ أَخِيهِ.

350. Narrated Abū Huraia ؓ: Allāh's Apostle ﷺ forbade the selling of things by a town dweller on behalf of a desert dweller; and similarly 'Najsh' (1)

٣٥٠ - حَدَّثَنَا عَلِىُّ بْنُ عَبْدِ اللهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا الزُّهْرِىُّ، عَنْ سَعِيدِ بْنِ المُسَيَّبِ، عَنْ أَبِى هُرَيْرَةَ

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(1) Najsh means to offer a high price for something without having the intention to buy it but just to cheat somebody else who really wants to buy it. Such a person may agree with the seller to offer high prices before the buyers to cheat them, in which case both this man and the seller are sinful. The seller may falsely tell the buyer that he (i.e the seller) has previously bought the goods at a certain price which is in reality higher than the actual price.

was forbidden. And one should not urge somebody to return the goods to the seller so as to sell him his own goods; nor should one demand the hand of a girl who has already been engaged to someone else; and a woman should not try to cause some other woman to be divorced in order to take her place.

CHAPTER. Selling by auction. ʿAṭā᾽ said, "I saw the people seeing no harm in selling war booty by auction."

351. Narrated Jābir bin ʿAbdullāh رضي الله عنه: A man decided that a slave of his would be manumitted after his death and later on he was in need of money, so the Prophet ﷺ took the slave and said, "Who will buy this slave from me?" Nuʿaim bin ʿAbdullāh bought him for such and such price and the Prophet ﷺ gave him the slave.

CHAPTER. An-Najsh (or An-Najash), and whoever says that a bargain carried on in such circumstances is not valid. Ibn Abī Aufā said, 'One who practises Najsh is a Ribā-eating, traitor." And such a practice is a false trick which is forbidden, and the Prophet ﷺ said, "Deception would lead to the Hell (Fire) and whoever does a thing which is not in accord with our tradition, then that deed will not be accepted."

رَضِيَ اللهُ عَنْهُ قالَ: نَهَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أنْ يَبِيعَ حاضِرٌ لِبادٍ ولا تَناجَشُوا، ولا يَبِيعُ الرَّجُلُ عَلَى بَيْعِ أخِيهِ، ولا يَخْطُبُ عَلَى خِطْبَةِ أخِيهِ، ولا تَسْألُ المَرْأةُ طَلاقَ أُخْتِها لِتَكْفَأَ ما فى إنائِها .

باب بَيْعِ المُزايَدَةِ . وقالَ عَطاءٌ: أدْرَكْتُ النَّاسَ لا يَرَوْنَ بأسا بِبَيْعِ المغانِمِ فِيمَنْ يَزِيدُ .

٣٥١ ـ حدَّثنا بِشْرُ بنُ مُحَمَّدٍ: أخْبرَنا عَبْدُ اللهِ: أخْبرَنا الحُسَيْنُ المُكْتِبُ، عَنْ عَطاءِ بنِ أبي رَباحٍ عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أنَّ رَجُلا أعْتَقَ غُلاما لَهُ عَنْ دُبُرٍ . فاحتاجَ فأخذَهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فقالَ: مَنْ يَشْتَرِيهِ مِنِّي؟ فاشْتَراهُ نُعَيْمُ بنُ عَبْدِ اللهِ بِكَذا و كَذا، فَدَفَعَهُ إلَيْهِ .

باب النَّجْشِ، ومَنْ قالَ: لا يَجُوزُ ذلكَ البَيْعُ . و قالَ ابنُ أبي أوْفى: النَّاجِشُ آكِلُ رِباً خائِنٌ . و هُوَ خِداعٌ باطِلٌ لا يَحِلُّ . قالَ: النَّبِيُّ صلى اللهُ عليهِ وسلَّم: الخَدِيعَةُ فى النَّارِ، و مَنْ عَمِلَ عَمَلاً لَيْسَ عَلَيْهِ أمْرُنا فَهُوَ رَدٌّ .

352. Narrated Ibn ʿUmar ﵄ : Allāh's Apostle ﷺ forbade Najsh.

٣٥٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حَدَّثَنَا مالكٌ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم. عَنِ النَّجْشِ.

CHAPTER. Al-Gharar (the sale of what is not present) (1) and Habab-al-Habala (i.e. the sale of what is in the womb of the animal).

بابُ بَيْعِ الغَرَرِ و حَبَلِ الحَبَلَةِ.

353. Narrated ʿAbdullāh bin ʿUmar ﵄ : Allāh's Apostle ﷺ forbade the sale called 'Habal-al-Habala' which was a kind of sale practised in the Pre-Islamic Ignorant Period: One would pay the price of a she-camel which was not born yet but would be born by the immediate offspring of an extant she-camel.

٣٥٣ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالكٌ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى عَنْ بَيْعِ حَبَلِ الحَبَلَةِ، و كانَ بَيْعًا يَتَبايَعُهُ أَهْلُ الجاهِلِيَّةِ كانَ الرَّجُلُ يَبْتاعُ الجَزُورَ إلى أَنْ تُنْتَجَ النَّاقَةُ ثُمَّ تُنْتَجَ الَّتي في بَطْنِها.

CHAPTER. Al-Limās or Mulāmasa sale (2), i. e. by touching the thing only and not looking at it.

Anas said, "The Prophet ﷺ forbade it (i.e. Al-Mulāmasa sale).

بابُ بَيْعِ المُلامَسَةِ. قالَ أَنَسٌ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْهُ.

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(1) As an example of Al-Gharar sale is to sell fish that are still unfished or a bird that has not been caught yet, etc.

(2) The sale by Mulāmasa has different forms: The sale becomes valid on the buyer's touching the clothes without checking or looking at them. For example, one brings a folded garment or in the dark and the buyer offers a price and the owner of the garment says, "I sell it to you on condition that you will only touch it, not see it, and if you see it, you have no option to cancel the sale."

354. Narrated Abū Sa'īd ؓ : Allāh's Apostle ﷺ forbade the selling by Munābadha, (1) i. e. to sell one's garment by casting it to the buyer not allowing him to examine or see it. Similarly he forbade the selling by Mulāmasa. Mulāmasa is to buy a garment, for example, by merely touching it, not looking at it.

٣٥٤ - حَدَّثَنَا سَعِيدُ بْنُ عُفَيْرٍ قَالَ: حَدَّثَنِى اللَّيْثُ قَالَ: حَدَّثَنِى عُقَيْلٌ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِى عَامِرُ بْنُ سَعْدٍ أَنَّ أَبَا سَعِيدٍ رَضِىَ اللهُ عَنْهُ: أَخْبَرَهُ أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم نَهَى عَنِ الْمُنَابَذَةِ، وَهِىَ طَرْحُ الرَّجُلِ ثَوْبَهُ بِالْبَيْعِ إِلَى الرَّجُلِ قَبْلَ أَنْ يُقَلِّبَهُ أَوْ يَنْظُرَ إِلَيْهِ. وَنَهَى عَنِ الْمُلَامَسَةِ، وَالْمُلَامَسَةُ لَمْسُ الثَّوْبِ لَا يَنْظُرُ إِلَيْهِ.

355. Narrated Abū Huraira ؓ : The Prophet ﷺ forbade two kinds of dressing; (one of them) is to sit with one's legs drawn up while wrapped in one garment. (The other) is to lift that garment on one's shoulders. And also farbade two kinds of sale: Al-Limās and An-Nibādh.

٣٥٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنَا أَيُّوبُ، عَنْ مُحَمَّدٍ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قَالَ: نَهَى عَنْ لِبْسَتَيْنِ، أَنْ يَحْتَبِىَ الرَّجُلُ فِى الثَّوْبِ الْوَاحِدِ ثُمَّ يَرْفَعُهُ عَلَى مَنْكِبِهِ. وَعَنْ بَيْعَتَيْنِ: اللِّمَاسِ وَالنِّبَاذِ.

CHAPTER. Selling by Munābadha. And Anas said, "The Prophet ﷺ forbade such sale."

بَابُ بَيْعِ الْمُنَابَذَةِ. وَقَالَ أَنَسٌ: نَهَى عَنْهُ النَّبِىُّ صلى اللهُ عليه وسلَّم.

356. Narrated Abū Huraira ؓ :

٣٥٦ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِى

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(1) The sale by Munābadha is like gambling: Two persons may agree to barter one thing for another without seeing or checking either of them. One may say to another, "I barter my garment for your garment," and the sale is achieved without either of them seeing the garment of the other. Or one may say, "I give you what I have and you give me what you have," and thus they buy from each other without knowing how much each has had.

Allāh's Apostle ﷺ forbade selling by Mulamasa and Munābadha.

مالكٌ، عَنْ مُحَمَّدِ بنِ يَحْيَى بنِ حَبَّانَ، عَنْ أبي الزِّنادِ، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى عَنِ المُلامَسَةِ والمُنابَذَةِ.

357. Narrated Abū Sa'id ﵁ : The Prophet ﷺ forbade two kinds of dresses and two kinds of sale, i. e., Mulāmasa and Munābadha.

٣٥٧ - حدَّثنا عَيَّاشُ بنُ الوَلِيدِ: حدَّثنا عَبْدُ الأعْلَى: حدَّثنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عَطاءِ بنِ يَزِيدَ، عَنْ أبي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْ لِبْسَتَيْنِ وعَنْ بَيْعَتَيْنِ، المُلامَسَةِ والمُنابَذَةِ.

CHAPTER. The seller is not allowed to keep camels, cows, sheep or any other animal unmilked for a long time (so as to get more price by cheating) ......

بابُ النَّهْيِ للبائعِ أنْ لا يُحَفِّلَ الإبِلَ والبَقَرَ والغَنَمَ وكلَّ مُحَفَّلَةٍ، والمُصَرَّاةُ الَّتي صُرِيَ لَبَنُها وحُقِنَ فيهِ وجُمِعَ فلَمْ يُحْلَبْ أيَّامًا. وأصْلُ التَّصْرِيَةِ: حَبْسُ الماءِ، يُقالُ مِنْهُ صَرَّيْتُ الماءَ: إذا حَبَسْتُهُ.

358. Narrated Abū Huraira ﵁ : The Prophet ﷺ said, "Don't keep camels and sheep unmilked for a long time, for whoever buys such an animal has the option to milk it and then either to keep it or return it to the owner along with one Ṣā᾽ of dates." Some narrated from Ibn Sirin (that the Prophet ﷺ had said), "One Ṣā᾽ of wheat, and he has the option for three days." And some narrated from Ibn Sirin, "... a Sā᾽ of dates," not mentioning the option for three days. But

٣٥٨ - حدَّثنا ابنُ بُكَيْرٍ: حدَّثنا اللَّيْثُ، عَنْ جَعْفَرِ بنِ رَبِيعَةَ، عَنِ الأعْرَجِ، قالَ أبو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: لا تُصَرُّوا الإبِلَ والغَنَمَ، فمَنِ ابْتاعَها بَعْدُ فإنَّهُ بِخَيْرِ النَّظَرَيْنِ بَيْنَ إنْ يَحْتَلِبَها، إنْ شاءَ أمْسَكَ وإنْ شاءَ رَدَّها وصاعَ تَمْرٍ. ويُذْكَرُ عَنْ أبي صالحٍ ومُجاهِدٍ والوَليدِ بنِ رَباحٍ ومُوسَى

"Sa‘ of dates" is mentioned in most narrations.

ابنِ يَسارٍ عَنْ أبي هُرَيْرَةَ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم : صَاعَ تَمْرٍ . و قالَ بَعْضُهُمْ عَنِ ابنِ سِيرِينَ صَاعاً منْ طَعامٍ و هُوَ بالخِيارِ ثَلاثاً . و قالَ بَعْضُهُمْ عَنِ ابنِ سِيرِينَ : صَاعاً منْ تَمْرٍ ، ولمْ يَذْكُرْ ثَلاثاً . والتَّمْرُ أكْثَرُ .

359. Narrated ‘Abdullāh bin Mas‘ūd رضي الله عنه : Whoever buys a sheep which has not been milked for a long time, has the option of returning it along with one Sa of dates ; and the Prophet ﷺ forbade going to meet the seller on the way (as he has no knowledge of the market price and he may sell his goods at a low price).

٣٥٩ ـ حدَّثَنا مُسَدَّدٌ : حدَّثَنا مُعْتَمِرٌ قالَ : سَمِعْتُ أبي يَقُولُ : حدَّثَنا أبُو عُثْمانَ ، عَنْ عَبْدِ اللهِ بنِ مَسْعُودٍ رَضِيَ اللهُ عَنْهُ قالَ : مَنِ اشْتَرَى شاةً مُحَفَّلَةً فَرَدَّها فَلْيَرُدَّ مَعَها صَاعاً مِنْ تَمْرٍ . و نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم أنْ تُلَقَّى البُيُوعُ .

360. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "Do not go forward to meet the caravan (to buy from it on the way before it reaches the town). And do not urge buyers to cancel their purchases to sell them (your own goods) yourselves, and do not practise Najsh. A town dweller should not sell the goods for the desert dweller. Do not leave sheep unmilked for a long time, when they are on sale, and whoever buys such an animal has the option of returning it, after milking it, along with a Ṣā‘ of dates or keeping it.

٣٦٠ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبَرَنا مالِكٌ ، عَنْ أبي الزِّنادِ ، عَنِ الأعْرَجِ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : لا تَلَقَّوُا الرُّكْبانَ ، ولا يَبِعْ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ ، ولا تَناجَشُوا ، ولا يَبِعْ حاضِرٌ لِبادٍ ، ولا تُصَرُّوا الغَنَمَ . و مَنِ ابْتاعَها فَهُوَ بِخَيْرِ النَّظَرَيْنِ بَعْدَ أنْ يَحْتَلِبَها ، إنْ رَضِيَها أمْسَكَها ، و إنْ سَخِطَها رَدَّها و صاعاً مِنْ تَمْرٍ .

CHAPTER. The option of returning an animal, after milking it, along with a Ṣa‘ of dates (as the price of the milk), if

بابٌ إنْ شاءَ رَدَّ المُصَرَّاةَ و فى حَلْبَتِها صَاعٌ مِنْ تَمْرٍ .

it has been kept unmilked for a long period by the seller (to deceive others).

361. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, " Whoever buys a sheep which has been kept unmilked for a long period, and milks it, can keep it if he is satisfied, and if he is not satisfied, he can return it, but he should pay one Sāᶜ of dates for the milk."

٣٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو : حَدَّثَنَا الْمَكِّيُّ : أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ : أَخْبَرَنِي زِيَادٌ : أَنَّ ثَابِتًا مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ زَيْدٍ أَخْبَرَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ : قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَنِ اشْتَرَى غَنَمًا مُصَرَّاةً فَاحْتَلَبَهَا فَإِنْ رَضِيَهَا أَمْسَكَهَا ، وَإِنْ سَخِطَهَا فَفِي حَلْبَتِهَا صَاعٌ مِنْ تَمْرٍ .

CHAPTER. The selling of an adulterer slave. And Shuraih said, " The buyer can return him to the owner if he wishes because of illegal sexual intercourse."

بابُ بَيْعِ الْعَبْدِ الزَّانِي . و قَالَ شُرَيْحٌ : إِنْ شَاءَ رَدَّ مِنَ الزِّنَا .

362. Narrated Abū Huraira ؓ : The Prophet ﷺ said, " If a slave-girl commits illegal sexual intercourse and it is proved beyond doubt, then her owner should lash her and should not blame her after the legal punishment. And then if she repeates the illegal sexual intercourse he should lash her again and should not blame her after the legal punishment, and if she commits it a third time, then he should sell her even for a hair rope."

٣٦٢ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ : حَدَّثَنَا اللَّيْثُ قَالَ : حَدَّثَنِي سَعِيدٌ الْمَقْبُرِيُّ ، عَنْ أَبِيهِ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أَنَّهُ سَمِعَهُ يَقُولُ : قَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: إِذَا زَنَتِ الْأَمَةُ فَتَبَيَّنَ زِنَاهَا فَلْيَجْلِدْهَا ولا يُثَرِّبْ . ثُمَّ إِنْ زَنَتْ فَلْيَجْلِدْهَا ولا يُثَرِّبْ . ثُمَّ إِنْ زَنَتِ الثَّالِثَةَ فَلْيَبِعْهَا وَلَوْ بِحَبْلٍ مِنْ شَعَرٍ .

363. Narrated Abū Huraira and Zaid bin Khālid ؓ : Allāh's Apostle ﷺ was asked about the slave-girl, if she was a virgin and committed illegal sexual

٣٦٣ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ : حَدَّثَنِي مَالِكٌ ، عَنِ ابْنِ شِهَابٍ ، عَنْ عُبَيْدِ اللهِ ابْنِ عَبْدِ اللهِ ، عَنْ أَبِي هُرَيْرَةَ

intercourse. The Prophet ﷺ said, "If she committed illegal sexual intercourse, lash her, and if she did it a second time, then lash her again, and if she repeated the third time, then sell her even for a hair rope." Ibn Shihāb said, "I don't know whether to sell her after the third or fourth offence."

CHAPTER. Dealing with women in selling and buying.

364. Narrated ʿAisha رضي الله عنها : Allāh's Apostle ﷺ came to me and I told him about the slave-girl. Allāh's Apostle ﷺ said, "Buy and manumit her, for the Walā᾽ (1) is for the one who manumits." In the evening the Prophet ﷺ got up and glorified Allāh as He deserved and then said, "Why do some people impose conditions which are not present in the Allāh's Laws? Whoever imposes such a condition as is not in Allāh's Laws, then that condition is invalid even if he imposes one hundred conditions, for Allāh's conditions are more binding and reliable."

365. Narrated Hammām : I heard Nāfiʿ narrating from ʿAbdullāh bin ʿUmar رضي الله عنهما who said, "ʿAisha رضي الله عنها wanted to

وَزَيْدِ بْنِ خَالِدٍ رَضِيَ اللهُ عَنْهُمَا : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم سُئِلَ عَنِ الأَمَةِ إِذَا زَنَتْ وَلَمْ تُحْصِنْ قَالَ : إِنْ زَنَتْ فَاجْلِدُوهَا ، ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَبِيعُوهَا وَلَوْ بِضَفِيرٍ. قَالَ ابْنُ شِهَابٍ : لَا أَدْرِي أَبَعْدَ الثَّالِثَةِ أَوِ الرَّابِعَةِ .

بَابُ الشِّرَاءِ وَالْبَيْعِ مَعَ النِّسَاءِ .

٣٦٤ ـ حَدَّثَنَا أَبُو الْيَمَانِ : أَخْبَرَنَا شُعَيْبٌ ، عَنِ الزُّهْرِيِّ ، قَالَ عُرْوَةُ بْنُ الزُّبَيْرِ : قَالَتْ عَائِشَةُ رَضِيَ اللهُ عَنْهَا : دَخَلَ عَلَيَّ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَذَكَرْتُ لَهُ فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : اشْتَرِي وَأَعْتِقِي فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ ، ثُمَّ قَامَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم مِنَ الْعَشِيِّ فَأَثْنَى عَلَى اللهِ بِمَا هُوَ أَهْلُهُ ، ثُمَّ قَالَ : مَا بَالُ أُنَاسٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَ فِي كِتَابِ اللهِ ؟ مَنِ اشْتَرَطَ شَرْطًا لَيْسَ فِي كِتَابِ اللهِ فَهُوَ بَاطِلٌ وَإِنِ اشْتَرَطَ مِائَةَ شَرْطٍ ، شَرْطُ اللهِ أَحَقُّ وَأَوْثَقُ .

٣٦٥ ـ حَدَّثَنَا حَسَّانُ بْنُ أَبِي عَبَّادٍ : حَدَّثَنَا هَمَّامٌ قَالَ : سَمِعْتُ نَافِعًا يُحَدِّثُ عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا :

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(1) Walā᾽ : See the glossary.

buy Buraira and he (the Prophet ﷺ) went out for the prayer. When he returned, she told him that they (her masters) refused to sell her except on the condition that her Walā᾽ would go to them. The Prophet ﷺ replied, 'The Walā᾽ would go to him who manumits.' " I asked Nāfiᶜ whether her (Buraira's) husband was a free man or a slave. He replied that he did not know.

أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْها ساوَمَتْ بَرِيرَةَ فَخَرَجَ إلى الصَّلاةِ. فَلَمَّا جاءَ قالَتْ إنَّهُمْ أَبَوْا أَنْ يَبِيعُوها إلاَّ أَنْ يَشْتَرِطُوا الوَلاءَ. فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : إنَّما الوَلاءُ لِمَنْ أَعْتَقَ. قُلْتُ لِنافِعٍ : حُرًّا كانَ زَوْجُها أَوْ عَبْدًا؟ فَقالَ: ما يُدْرِينِي ؟

CHAPTER. Is it permissible for a person from the town to sell the goods of a desert dweller without taking commission ? Should he help him or try to advise him ? The Prophet ﷺ said, "If somebody asked the advice of someone else then the latter should advise him." ᶜAṭā allowed it (selling the goods of a desert dweller by a town dweller).

بابٌ هَلْ يَبِيعُ حاضِرٌ لِبادٍ بِغَيْرِ أَجْرٍ ؟ وَهَلْ يُعِينُهُ أَوْ يَنْصَحُهُ ؟ وَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : إذا اسْتَنْصَحَ أَحَدُكُمْ أَخاهُ فَلْيَنْصَحْ لَهُ. وَرَخَّصَ فِيهِ عَطاءٌ.

366. Narrated Jarīr ؓ : I have given a solemn pledge to Allāh's Apostle ﷺ to witness that None has the right to be worshipped but Allāh, and Muḥammad is His Apostle, to offer prayers perfectly, to pay Zakāt, to listen to and obey (Allāh's orders), and to give advice to every Muslim.

٣٦٦ - حَدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ : حَدَّثَنا سُفْيانُ، عَنْ إسماعِيلَ، عَنْ قَيْسٍ قالَ: سَمِعْتُ جَرِيرًا رَضِيَ اللهُ عَنْهُ يَقُولُ: بايَعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عَلى شَهادَةِ أَنْ لا إلَهَ إلاَّ اللهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللهِ. وإقامِ الصَّلاةِ. وإيتاءِ الزَّكاةِ، والسَّمْعِ والطَّاعَةِ. والنُّصْحِ لِكُلِّ مُسْلِمٍ.

367. Narrated Ṭawūs: Ibn ᶜAbbās ؓ said, "Allāh's Apostle ﷺ said, 'Do not go to meet the caravans on the way (for buying their goods without letting them know the market price), a town

٣٦٧ - حَدَّثَنا الصَّلْتُ بنُ مُحَمَّدٍ : حَدَّثَنا عَبْدُ الواحِدِ : حَدَّثَنا مَعْمَرٌ، عَنْ عَبْدِ اللهِ بنِ طاوسٍ، عَنْ أَبِيهِ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ

dweller should not sell the goods of a desert dweller on behalf of the latter.' I asked Ibn ᶜAbbās, 'What does he mean by not selling the goods of a desert dweller by a town dweller?' He said, 'He should not become his broker.'"

رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم، لا تَلَقَّوُا الرُّكْبانَ ولا يَبِيعْ حاضِرٌ لِبادٍ. قالَ: قُلْتُ لابنِ عَبَّاسٍ: ما قَوْلُهُ: لا يَبِيعْ حاضِرٌ لِبادٍ؟ قالَ: لا يَكُونُ لَهُ سِمْسارًا.

CHAPTER. Whoever hated that an urban person should sell the goods of a desert dweller and charge him for that.

بابُ مَنْ كَرِهَ أنْ يَبِيعَ حاضِرٌ لِبادٍ بأجْرٍ.

368. Narrated ᶜAbdullāh bin ᶜUmar رضي الله عنهما : Allāh's Apostle ﷺ forbade the selling of the goods of a desert dweller by a town person. Ibn ᶜAbbās thinks the same.

٣٦٨ - حدَّثني عَبْدُ اللهِ بنُ صَبَّاحٍ: حدَّثنا أبُو عَلِيٍّ الحَنَفِيُّ، عَنْ عَبْدِ الرَّحمنِ ابنِ عَبْدِ اللهِ بنِ دِينارٍ قالَ: حدَّثني أبي عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: نَهَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أنْ يَبِيعَ حاضِرٌ لِبادٍ. وبِهِ قالَ ابنُ عَبَّاسٍ.

CHAPTER. A town dweller should not buy goods for a desert dweller and charge commission as a broker. Ibn Sirin and Ibrāhīm considered it (working as a broker for a desert dweller) disliked whether as a seller or a buyer. Ibrāhīm said, "Arabs use the word 'to buy' in the meaning of 'to sell'."

بابٌ لا يَشْتَرِي حاضِرٌ لِبادٍ بالسَّمْسَرَةِ. وكَرِهَهُ ابنُ سِيرِينَ وإبْرَاهِيمُ لِلْبائِعِ ولِلْمُشْتَرِي. قالَ إبْرَاهِيمُ: إنَّ العَرَبَ تَقُولُ: بِعْ لِي ثَوْبًا، وهِيَ تَعْنِي الشِّرَاءَ.

369. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "A buyer should not urge a seller to restore a purchase so as to buy it himself, and do not practise Najsh; and a town dweller should not buy goods for a desert dweller."

٣٦٩ - حدَّثنا المَكِّيُّ بنُ إبْرَاهِيمَ قالَ: أخْبَرَنِي ابنُ جُرَيْجٍ، عَنِ ابنِ شِهابٍ، عَنْ سَعِيدِ بنِ المُسَيَّبِ أنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: لا يَبْتَعِ المَرْءُ عَلَى بَيْعِ أخِيهِ، ولا تَناجَشُوا، ولا يَبِعْ حاضِرٌ لِبادٍ.

370. Narrated Anas bin Mālik ؓ : It is forbidden that a town person should buy things for a desert dweller.

٣٧٠ ـ حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُعَاذٌ: حَدَّثَنَا ابْنُ عَوْنٍ، عَنْ مُحَمَّدٍ: قَالَ أَنَسُ بْنُ مَالِكٍ رَضِيَ اللهُ عَنْهُ: نُهِينَا أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ.

CHAPTER. It is forbidden to meet the caravans on the way (to buy the goods away from the market). And the one who buys them, his bargain is invalid as he is a sinner if he knows it, for it is a kind of deceit, and deceit is forbidden.

بَابُ النَّهْيِ عَنْ تَلَقِّي الرُّكْبَانِ. وَأَنَّ بَيْعَهُ مَرْدُودٌ لأَنَّ صَاحِبَهُ عَاصٍ آثِمٌ إِذَا كَانَ بِهِ عَالِماً وَهُوَ خِدَاعٌ لا يَجُوزُ.

371. Narrated Abū Huraira ؓ : The Prophet ﷺ forbade the meeting (of caravans) on the way and the selling of goods by an inhabitant of the town on behalf of a desert dweller.

٣٧١ ـ حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنَا عُبَيْدُ اللهِ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ عَنِ التَّلَقِّي وَأَنْ يَبِيعَ حَاضِرٌ لِبَادٍ.

372. Narrated Ṭawūs: I asked Ibn ʿAbbās, "What is the meaning of, 'No town dweller should sell (or buy) for a desert dweller'?" Ibn ʿAbbās said, "It means he should not become his broker."

٣٧٢ ـ حَدَّثَنِي عَيَّاشُ بْنُ الْوَلِيدِ: حَدَّثَنَا عَبْدُ الأَعْلَى، حَدَّثَنَا مَعْمَرٌ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا: مَا مَعْنَى قَوْلِهِ لا يَبِيعَنَّ حَاضِرٌ لِبَادٍ؟ فَقَالَ: لا يَكُنْ لَهُ سِمْسَاراً.

373. Narrated ʿAbdullāh ؓ : Whoever buys an animal which has been kept unmilked for a long time, could return it, but has to pay a Sa of dates along with it. And the Prophet ﷺ forbade meeting the owners of goods on the way away from the market.

٣٧٣ ـ حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَزِيدُ ابْنُ زُرَيْعٍ قَالَ: حَدَّثَنِي التَّيْمِيُّ، عَنْ أَبِي عُثْمَانَ عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قَالَ: مَنِ اشْتَرَى مُحَفَّلَةً فَلْيَرُدَّ مَعَهَا صَاعاً. قَالَ: وَنَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ عَنْ تَلَقِّي الْبُيُوعِ.

374. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ said, "You should not try to cancel the purchases of one another (to get a benefit thereof), and do not go ahead to meet the caravan (for buying the goods) (but wait) till it reaches the market."

٣٧٤ ـ حدَّثنا عبدُ اللهِ بنُ يوسُفَ: أخبرَنا مالكٌ، عنْ نافعٍ، عنْ عبدِ اللهِ ابنِ عُمرَ رَضِيَ اللهُ عنهُما: أنَّ رسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: لا يبعْ بعضُكُمْ على بيعِ بعضٍ، ولا تلقَّوا السلَعَ حتى يُهبَطَ بها إلى السُّوقِ.

CHAPTER. The limits to which one can go ahead to meet the caravan.

باب مُنتهى التلقِّي.

375. Narrated ʿAbdullāh رضي الله عنه : We used to go forwards the caravan and used to buy foodstuff from them. The Prophet ﷺ forbade us to sell it till it was carried to the market.

٣٧٥ ـ حدَّثنا مُوسى بنُ إسماعيلَ: حدَّثنا جُوَيريةُ، عنْ نافعٍ، عنْ عبدِ اللهِ رَضِيَ اللهُ عنهُ قالَ: كُنَّا نتلقَّى الرُّكبانَ فنشتري منهمُ الطَّعامَ فنهانا النبيُّ صلى اللهُ عليهِ وسلَّم أنْ نبيعَهُ حتَّى يُبلَغَ بهِ سُوقَ الطَّعامِ. قالَ أبُو عبدِ اللهِ: هذا في أعلى السُّوقِ ويُبيِّنُهُ حديثُ عُبيدِ اللهِ.

376. Narrated ʿAbdullāh رضي الله عنه : Some people used to buy foodstuff at the head of the market and used to sell it on the spot. Allāh's Apostle ﷺ forbade them to sell it till they brought it to (their) places.

٣٧٦ ـ حدَّثنا مُسدَّدٌ: حدَّثنا يحيى، عنْ عُبيدِ اللهِ قالَ: حدَّثني نافعٌ، عنْ عبدِ اللهِ رَضِيَ اللهُ عنهُ قالَ: كانُوا يبتاعُونَ الطَّعامَ في أعلى السُّوقِ فيبيعُونَهُ في مكانِهِم، فنهاهُمْ رسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أنْ يبيعُوهُ في مكانِهِ حتَّى ينقلُوهُ.

CHAPTER. If somebody imposes conditions in selling which are forbidden or against the Islamic jurisprudence.

بابٌ إذا اشترطَ في البيعِ شُرُوطًا لا تحِلُّ.

377. Narrated ᶜUrwa: ᶜAisha رضي الله عنها said, "Buraira came to me and said, 'I have agreed to my masters to pay them nine Uqīyas (of gold) (in instalment) one Uqīya per year; please help me.' I said, 'I am ready to pay the whole amount now provided your masters agree that your Wala will be for me.' So, Buraira went to her masters and told them about that offer but they refused to accept it. She returned, and at that time, Allāh's Apostle ﷺ was sitting (present). Buraira said, 'I told them of the offer but they did not accept it and insisted on having the Walā'.' The Prophet ﷺ heard that." ᶜAisha narrated the whole story to the Prophet ﷺ. He said to her, "Buy her and stipulate that her Wala would be yours as the Walā' is for the manumitter." ᶜAisha did so. Then Allāh's Apostle ﷺ stood up in front of the people, and after glorifying Allāh he said, "Ammā Bᶜadu (i.e. then after)! What about the people who impose conditions which are not in Allāh's Laws? Any condition that is not in Allāh's Laws is invalid even if they were one hundred conditions, for Allāh's dicisions are the right ones and His conditions are firmer, and the Walā' will be for the manumitter."

٣٧٧ - حدَّثنا عبدُ اللهِ بنُ يوسفَ: أخبرَنا مالكٌ، عنْ هشامِ بنِ عُروةَ، عنْ أبيهِ، عنْ عائشةَ رَضِيَ اللهُ عنْها قالتْ: جاءتنى بريرةُ فقالتْ: كاتبتُ أهلى على تسعِ أواقٍ، فى كلِّ عامٍ أُوقيَّةٌ، فأعينينى. فقلتُ: إنْ أحبَّ أهلُكِ أنْ أعدَّها لهمْ ويكونُ ولاؤكِ لى فعلتُ. فذهبتْ بريرةُ إلى أهلِها، فقالتْ لهمْ فأبَوْا عليها. فجاءتْ منْ عندِهمْ ورسولُ اللهِ صلى اللهُ عليهِ وسلَّم جالسٌ، فقالتْ: إنى عرضتُ ذلكَ عليهمْ فأبَوْا إلاَّ أنْ يكونَ الولاءُ لهمْ. فسمعَ النبىُّ صلى اللهُ عليهِ وسلَّم، فأخبرتْ عائشةُ النبىَّ صلى اللهُ عليهِ وسلَّم فقالَ: خذيها واشترطى لهمُ الولاءَ فإنَّما الولاءُ لمنْ أعتقَ، ففعلتْ عائشةُ. ثمَّ قامَ رسولُ اللهِ صلى اللهُ عليهِ وسلَّم فى النَّاسِ فحمدَ اللهَ وأثنى عليهِ، ثمَّ قالَ: أمَّا بعدُ، ما بالُ رجالٍ يشترطونَ شروطًا ليستْ فى كتابِ اللهِ؟ ما كانَ منْ شرطٍ ليسَ فى كتابِ اللهِ فهوَ باطلٌ وإنْ كانَ مائةَ شرطٍ، قضاءُ اللهِ أحقُّ، وشرطُ اللهِ أوثقُ، وإنَّما الولاءُ لمنْ أعتقَ

378. Narrated ᶜAbdullāh bin ᶜUmar رضي الله عنهما: ᶜAisha, the mother of the faithful believers wanted to buy a slave girl and

٣٧٨ - حدَّثنا عبدُ اللهِ بنُ يوسفَ: أخبرَنا مالكٌ، عنْ نافعٍ، عنْ عبدِ اللهِ

manumit her, but her masters said that they would sell her only on the condition that her Wala would be for them. ʿĀisha told Allāh's Apostle ﷺ of that. He said, "What they stipulate should not hinder you from buying her, for the Walā' is for the manumitter."

ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما أنَّ عائِشَةَ أُمَّ المُؤْمِنِينَ أرادَتْ أنْ تَشْتَرِيَ جارِيَةً فَتُعْتِقَها فَقالَ أهْلُها: نَبِيعُكِها عَلى أنَّ وَلاءَها لَنا. فَذَكَرَتْ ذلِكَ لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: لا يَمْنَعُكِ ذلِكَ، فإنَّما الوَلاءُ لِمَنْ أعْتَقَ

CHAPTER. Selling of dates for dates.

بابُ بَيْعِ التَّمْرِ بالتَّمْرِ.

379. Narrated Ibn ʿUmar رضي الله عنهما: The Prophet ﷺ said, "The selling of wheat for wheat is Ribā except if it is handed from hand to hand. Similarly the selling of barley for barley, and dates for dates is Ribā except if it is from hand to hand."

٣٧٩ - حدَّثَنا أبُو الوَلِيدِ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ مالِكِ بنِ أوْسٍ: سَمِعَ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: البُرُّ بالبُرِّ رِبًا إلَّا هاءَ وهاءَ، والشَّعِيرُ بالشَّعِيرِ رِبًا إلَّا هاءَ وَهاءَ، والتَّمْرُ بالتَّمْرِ رِبًا إلَّا هاءَ وهاءَ.

CHAPTER. The selling of dried grapes for dried grapes and meals for meals.

بابُ بَيْعِ الزَّبِيبِ بالزَّبِيبِ، والطَّعامِ بالطَّعامِ.

380. Narrated Ibn ʿUmar رضي الله عنهما: Allāh's Apostle ﷺ forbade Muzābana; and Muzābana is the selling of fresh dates for dried old dates by measure, and the selling of fresh grapes for dried grapes by measure.

٣٨٠ - حدَّثَنا إسْماعِيلُ: حدَّثَنِي مالِكٌ عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهى عَنِ المُزابَنَةِ. والمُزابَنَةُ: بَيْعُ الثَّمَرِ بالتَّمْرِ كَيْلًا، و بَيْعُ الزَّبِيبِ بالكَرْمِ كَيْلًا.

381. Narrated Ibn ʿUmar رضي الله عنهما: The Prophet ﷺ forbade Muzābana;

٣٨١ - حدَّثَنا أبُو النُّعْمانِ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ عَنْ أيُّوبَ، عَنْ نافِعٍ،

and Muzābana is the selling of fresh fruit (without measuring it) for something by measure on the basis that if that thing turns to be more than the fruit, the increase would be for the seller of the fruit, and if it turns to be less, that would be of his lot.

Narrated Ibn ʿUmar from Zaid bin T͟hābit that the Prophet ﷺ allowed the selling of the fruits on the trees after estimation (when they are ripe).

CHAPTER. Selling of barley for barley.

382. Narrated Ibn S͟hihāb from Mālik bin Aus who said, "I was in need of change for one-hundred Dinārs. Ṭalḥā binʿUbaid-Ullāh called me and we discussed the matter, and he agreed to change (my Dinārs). He took the gold pieces in his hands and fidgeted with them, and then said, "Wait till my storekeeper comes from the forest." ʿUmar was listening to that and said, "By Allāh! You should not seperate from Ṭalḥā till you get the money from him, for Allāh's Apostle ﷺ said, 'The selling of gold for gold is Ribā except if the exchange is from hand to hand, and similarly, the selling of wheat for wheat and the selling of barley for barley, and dates for dates is Ribā unless it is from hand to hand.'"

CHAPTER. Selling of gold for gold.

383. Narrated Abū Bakra ؓ : Allāh's Apostle ﷺ said, "Don't sell

عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا : أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّمَ نَهَى عَنِ المُزَابَنَةِ . قالَ : والمُزَابَنَةُ : أَنْ يَبِيعَ الثَّمَرَ بِكَيْلٍ إِنْ زَادَ فَلِي و إِنْ نَقَصَ فَعَلَيَّ . قالَ : و حدَّثَنِي زَيْدُ بنُ ثابِتٍ : أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم رَخَّصَ فى العَرَايا بِخَرْصِهَا .

بابُ بَيْعِ الشَّعِيرِ بالشَّعِيرِ .

٣٨٢ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أَخْبَرَنا مالِكٌ ، عَنِ ابنِ شِهابٍ ، عَنْ مالِكِ ابنِ أَوْسٍ : أَخْبَرَهُ أَنَّهُ التَمَسَ صَرْفًا بِمِائَةِ دِينارٍ ، فَدَعانِى طَلْحَةُ بنُ عُبَيْدِ اللهِ فَتَرَاوَضْنا حَتَّى اصْطَرَفَ مِنِّى فأَخَذَ الذَّهَبَ يُقَلِّبُها فى يَدِهِ ثُمَّ قالَ : حَتَّى يَأْتِيَ خازِنِى مِنَ الْغابَةِ ، و عُمَرُ يَسْمَعُ ذلكَ . فقالَ : واللهِ لا تُفارِقُهُ حتَّى تَأْخُذَ مِنْهُ . قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : الذَّهَبُ بالذَّهَبِ رِبًا إِلاَّ هاءَ وهاءَ والبُرُّ بالبُرِّ رِبًّا إلاَّ هاءَ وهاءَ ، والشَّعِيرُ بالشَّعِيرِ رِبًّا إلاَّ هاءَ وهاءَ ، والتَّمْرُ بالتَّمْرِ رِباً إلاَّ هاءَ وهاءَ .

بابُ بَيْعِ الذَّهَبِ بالذَّهَبِ .

٣٨٣ - حدَّثَنا صَدَقَةُ بنُ الفَضْلِ : أَخْبَرَنا إِسماعِيلُ بنُ عُلَيَّةَ قالَ : حدَّثَنِي

gold for gold unless equal in weight, nor silver for silver unless equal in weight, but you could sell gold for silver or silver for gold as you like."

CHAPTER. Selling of silver for silver.

384. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما that Abū Saʿīd narrated a similar narration of Allāh's Apostle ﷺ and when ʿAbdullāh bin ʿUmar met him, he said, "O Abū Saʿīd! What narration did you narrate from Allāh's Apostle ﷺ ?" Abū Saʿīd said, "It was concerned with exchange; I heard Allāh's Apostle ﷺ saying, "Do not sell gold for gold unless equal in weight, and do not sell silver for silver unless equal in weight."

385. Narrated Abū Saʿīd Al-Khudrī رضي الله عنه : Allāh's Apostle ﷺ said, "Do not sell gold for gold unless equivalent in weight, and do not sell less amount for greater amount or vice versa; and do not sell silver for silver unless equivalent in

يَحْيَى بنُ أبي إسحَاقَ: حدّثنا عبدُ الرحمٰنِ ابنُ أبي بَكْرَةَ قالَ: قالَ أبُو بَكْرَةَ رَضِيَ اللهُ عنْهُ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلّم: لا تبِيعُوا الذّهَبَ بالذّهَبِ إلاّ سَوَاءً بِسَوَاءٍ، والفِضّةَ بالفِضّةِ إلاّ سَوَاءً بِسَوَاءٍ. و بِيعُوا الذّهَبَ بالفِضّةِ والفِضّةَ بالذّهَبِ كَيْفَ شِئتمْ.

باب بَيْعِ الفِضّةِ بالفِضّةِ.

٣٨٤ ـ حدّثني عُبَيْدُ اللهِ بنُ سَعْدٍ: حدّثنا عمّي: حدّثنا ابنُ أخِي الزُّهْرِيّ، عَنْ عَمِّهِ قالَ: حدّثني سالم بن عبْدِ اللهِ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنّ أبا سَعِيدٍ حدّثهُ مِثْلَ ذلكَ حَدِيثًا عَن رَسُولِ اللهِ صلى اللهُ عليهِ وسلّم. فَلَقِيهُ عَبْدُ اللهِ بنُ عُمَرَ، فقالَ: يا أبا سَعِيد ما هذَا الّذِي تُحَدّثُ عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلّم؟ فقالَ أبُو سَعِيدٍ: فِى الصَّرْفِ سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلّم يقُولُ: الذّهَبُ بالذّهَبِ مِثْلٌ بِمِثْلٍ، والوَرِقُ بالوَرِقِ مِثْلٌ بِمِثْلٍ.

٣٨٥ ـ حدّثنا عبْدُ اللهِ بنُ يُوسُفَ: أخْبرَنا مالكٌ، عَنْ نافعٍ، عَنْ أبي سَعِيد الخُدْرِيّ رَضِيَ اللهُ عنْهُ: أنّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلّم قالَ: لا تَبِيعُوا الذّهَبَ بالذّهَبِ إلاّ مِثْلاً بِمِثْلٍ، ولا

weight, and do not sell less amount for greater amount or vice versa and do not sell gold or silver that is not present at the moment of exchange for gold or silver that is present.

CHAPTER. Selling of Dinārs for Dinārs on credit.

386. Narrated Abū Ṣāliḥ Az-Zaiyāt: I heard Abū Saᶜīd Al-Khudrī ؓ saying, "The selling of a Dinār for a Dinār, and a Dirham for a Dirham (is permissible)." I said to him, "Ibn ᶜAbbās does not say the same." Abū Saᶜīd replied, "I asked Ibn ᶜAbbās whether he had heard it from the Prophet ﷺ or seen it in the Holy Book. Ibn ᶜAbbās replied, "I do not claim that, and you know Allāh's Apostle ﷺ better than I, but Usāma informed me that the Prophet ﷺ had said, 'There is no Ribā (in money exchange) except when it is not done from hand to hand (i. e. when there is delay in payment).' "

CHAPTER. Selling of silver for gold on delayed payment.

387. Narrated Abū Al-Minhāl: I asked Al-Barāʾ bin ᶜAzib and Zaid bin Arqam ؓ about money exchanges. Each of them said, "This is better than I," and both of them said, "Allāh's Apostle ﷺ

تُشِفُّوا بَعْضَها عَلَى بَعْضٍ، ولا تَبِيعُوا الوَرِقَ بالوَرِقِ إلاَّ مِثْلاً بِمِثْلٍ، ولا تُشِفُّوا بَعْضَها عَلَى بَعْضٍ، ولا تَبِيعُوا مِنْها غائِبا بِناجِزٍ .

بابُ بَيْعِ الدِّينارِ بالدِّينارِ نَساءً .

٣٨٦ ـ حدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ : حدَّثَنا الضَّحَّاكُ بنُ مَخْلَدٍ : حدَّثَنا ابنُ جُرَيْجٍ قالَ: أخْبَرَنِي عَمْرُو بنُ دِينارٍ : أنَّ أبا صالِحٍ الزَّيَّاتَ أخْبَرَهُ أنَّهُ سَمِعَ أبا سَعِيدٍ الخُدْرِيَّ رَضِيَ اللهُ عَنْهُ يَقُولُ: الدِّينارُ بالدِّينارِ ، والدِّرْهَمُ بالدِّرْهَمِ ، فَقُلْتُ لَهُ: إنَّ ابنَ عَبَّاسٍ لا يَقُولُهُ، فَقالَ أبُو سَعِيدٍ: سألْتُهُ فَقُلْتُ: سَمِعْتَهُ مِنَ النَّبِيِّ صلى اللهُ عليه وسلَّم أوْ وجَدْتَهُ فى كِتابِ اللهِ ؟ قالَ: كُلَّ ذلكَ لا أقُولُ و أنْتُم أعْلَمُ بِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم مِنِّى، ولكِنَّنِي أخْبَرَنِى أُسامَةُ أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم . قالَ: لا رِبا إلاَّ فى النَّسِيئَةِ .

بابُ بَيْعِ الوَرِقِ بالذَّهَبِ نَسِيئَةً .

٣٨٧ ـ حدَّثَنا حَفْصُ بنُ عُمَرَ : حدَّثَنا شُعْبَةُ ، قالَ: أخْبَرَنِى حَبِيبُ بْنُ أبِي ثابِتٍ قالَ: سَمِعْتُ أبا المِنْهالِ قالَ: سألْتُ البَراءَ بنَ عازِبٍ و زَيْدَ بنَ أرْقَمَ

forbade the selling of silver for gold on credit."

CHAPTER. Selling of gold for silver from hand to hand (i. e. cash down).

388. Narrated Abdur-Rahmān bin Abū Bakra from his father رضي الله عنه who said, "The Prophet ﷺ forbade the selling of gold for gold and silver for silver except if they are equivalent in weight, and allowed us to sell gold for silver and vice versa as we wished."

CHAPTER. The sale called Al-Muzābana which is the sale of dried dates for fresh ones (that are still on the trees), and dried grapes for fresh grapes and the sale called Al-ʿArāyā (i.e. the selling of ripe fresh date, still over the palms, by means of estimation, for dry dates) Anas said, "The Prophet ﷺ forbade the sales called Muzābana and Muhāqala (i.e. to sell wheat in ears for pure wheat).

389. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ said, "Do

رَضِيَ اللهُ عَنْهُمْ عَنِ الصَّرْفِ فَكُلُّ واحد منهما يَقُولُ: هذَا خَيْرٌ مِنِّي، فَكِلاهُمَا يَقُولُ: نَهَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم عَنْ بَيْعِ الذَّهَبِ بالوَرِقِ دَيْنًا .

بابُ بَيْعِ الذَّهَبِ بالوَرِقِ يَدًا بِيَدٍ .

٣٨٨ - حدَّثنا عِمْرَانُ بنُ مَيْسَرَةَ: حدَّثنا عَبَّادُ بنُ العَوَّامِ: أخبرَنا يَحْيَى ابنُ أبي إسحَاقَ: حدَّثنا عَبْدُ الرَّحْمَنِ ابنُ أبي بَكْرَةَ، عَنْ أبيهِ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنِ الفِضَّةِ بالفِضَّةِ، والذَّهَبِ بالذَّهَبِ إلاَّ سَوَاءً بِسَوَاءٍ، و أمَرَنا أنْ نَبْتاعَ الذَّهَبَ بالفِضَّةِ كَيْفَ شِئْنا، والفِضَّةَ بالذَّهَبِ كَيْفَ شِئْنا .

بابُ بَيْعِ المُزَابَنَةِ، وهِيَ بَيْعُ التَّمْرِ بالتَّمْرِ، و بَيْعُ الزَّبِيبِ بالكَرْمِ، و بَيْعُ العَرَايا . قالَ أنَسٌ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنِ المُزَابَنَةِ والمُحاقَلَةِ .

٣٨٩ - حدَّثنا يَحْيَى بنُ بُكَيْرٍ: حدَّثنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ

not sell fruits of dates until they become free from all the dangers of being spoilt or belighted; and do not sell fresh dates for dry dates."

Narrated Sālim and ᶜAbdullāh from Zaid bin Thābit, "Later on Allāh's Apostle ﷺ permitted the selling of ripe fruits on trees for fresh dates or dried dates in Baiᶜ-l-ᶜArāyā, and did not allow it for any other kind of sale."

شِهابٍ قالَ : أخبرَنى سالمُ بنُ عبدِ اللهِ ، عَنْ عبدِ اللهِ بنِ عُمَرَ رَضِىَ اللهُ عنهُما : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : لا تَبيعُوا الثَّمَرَ حتَّى يَبْدُوَ صَلاحُهُ ، ولا تَبيعُوا الثَّمَرَ بالتَّمْرِ . قالَ سالمٌ : و أخبَرَنى عبدُ اللهِ ، عَنْ زَيْدِ بنِ ثابِتٍ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم رَخَّصَ بَعْدَ ذلكَ فى بَيْعِ العَرَايا بالرُّطَبِ أوْ بالتَّمْرِ ، ولمْ يُرَخِّصْ فى غيرِهِ .

390. Narreted ᶜAbdullāh bin ᶜUmar رضي الله عنهما : Allāh's Apostle ﷺ forbade Muzābana ; and Muzābana means the selling of fresh dates (on the trees) for dried dates by measure and also the selling of fresh grapes for dried grapes by measure.

٣٩٠ - حدَّثنا عبدُ اللهِ بنُ يُوسُفَ : أخبرَنا مالكٌ ، عَنْ نافعٍ ، عَنْ عبدِ اللهِ ابنِ عُمَرَ رَضِىَ اللهُ عنهُما : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى عَنِ المُزَابَنَةِ . والمُزَابَنَةُ : بَيْعُ الثَّمَرِ بالتَّمْرِ كَيْلاً ، و بَيْعُ الكَرْمِ بالزَّبيبِ كَيْلاً .

391. Narrated Abū Saᶜīd Al-Khudrī رضي الله عنه : Allāh's Apostle ﷺ farbade Muzābana and Muḥāqala ; and Muzābana means the selling of ripe dates for dates still on the trees.

٣٩١ - حدَّثنا عبدُ اللهِ بنُ يُوسُفَ : أخبرَنا مالكٌ ، عَنْ داوُدَ بنِ الحُصَيْنِ ، عَنْ أبى سُفْيانَ مَوْلَى بنِ أبى أحمَدَ ، عَنْ أبى سعيدٍ الخُدْرِىِّ رَضِىَ اللهُ عنهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى عَنِ المُزَابَنَةِ والمُحَاقَلَةِ . والمُزَابَنَةُ اشْتِرَاءُ الثَّمَرِ بالتَّمْرِ على رُءُوسِ النَّخْلِ .

392. Narrated Ibn ᶜAbbās رضي الله عنهما The Prophet ﷺ forbade Muzābana and Muḥāqala.

٣٩٢ - حدَّثنا مُسَدَّدٌ : حدَّثنا أبو مُعاوِيَةَ ، عَنِ الشَّيْبانىِّ ، عَنْ عِكْرِمَةَ ، عَنِ ابنِ عبَّاسٍ رَضِىَ اللهُ عنهُما قالَ :

نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنِ المُحَاقَلَةِ والمُزَابَنَةِ .

393. Narrated Ibn ᶜUmar from Zaid bin T͟hābit ؓ : Allāh's Apostle ﷺ allowed the owner of ᶜArāyā(1) to sell the fruits on the trees by means of estimation.

٣٩٣ - حدَّثنا عَبْدُ اللهِ بنُ مَسْلَمَةَ : حدَّثنا مالكٌ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ، عَنْ زَيْدِ بنِ ثابتٍ رَضِيَ اللهُ عَنْهُمْ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم أرْخَصَ لِصَاحِبِ العَرِيَّةِ أنْ يَبِيعَها بِخَرْصِها.

CHAPTER. The selling of dates still on trees for gold or silver.

بابُ بَيْعِ الثَّمَرِ عَلى رُءُوسِ النَّخْلِ بالذَّهَبِ أوِ الفِضَّةِ .

394. Narrated Jābir ؓ : The Prophet ﷺ forbade the selling of fruits unless they get ripe, and none of them should be sold except for Dinār or Dirham (i.e. money), except the ᶜArāyā trees (the dates of which could be sold for dates).

٣٩٤ - حدَّثنا يَحْيَى بن سُلَيمانَ : حدَّثنا ابنُ وَهْبٍ : أخْبرَنا ابنُ جُرَيْجٍ، عَنْ عَطاءٍ و أبي الزُّبَيرِ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ : نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْ بَيْعِ الثَّمَرِ حتَّى يَطِيبَ، ولا يُباعُ شَيْءٌ مِنْهُ إلاَّ بالدِّينارِ والدِّرْهَمِ إلاَّ العَرَايا .

395. Narrated Abū Huraira ؓ : The Prophet ﷺ allowed the sale of the dates of ᶜArāyā provided they were about five Awsuq (singular: Wasaq which means sixty Ṣāᶜs) or less (in amount).

٣٩٥ - حدَّثنا عَبْدُ اللهِ بنُ عَبْدِ الوَهَّابِ قالَ : سَمِعْتُ مالِكاً، وسَألَهُ عُبَيْدُ اللهِ بنُ الرَّبِيعِ : أحدَّثكَ دَاوُدُ عَنْ أبي سُفْيانَ عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم رَخَّصَ فى بَيْعِ العَرَايا فى

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(1) ᶜArāyā : The selling of fresh dates still over the palm tree by means of estimation for dry plucked dates and it is an exception. Also see the glossary.

خَمْسَةِ أَوْسُقٍ أو دون خَمْسَةِ أَوْسُقٍ ؟.
قالَ: نَعَمْ .

396. Narrated Sahl bin Abū Hathma: Allāh's Apostle ﷺ forbade the selling of fruits (fresh dates) for dried dates but allowed the sale of fruits on the ʿArāyā by estimation and their new owners might eat their dates fresh. Ṣufyān (in another narration) said, "I told Yaḥyā (a sub-narrator) when I was a mere boy, 'Meccans say that the Prophet ﷺ allows the sale of the fruits on ʿArāyā by estimation.' Yahya asked, 'How do the Meccans know about it?' I replied, 'They narrated it (from the Prophet ﷺ) through Jābir.' On that Yaḥyā kept quiet." Ṣufyān said, "I meant that Jābir belonged to Medīna." Ṣufyān was asked whether in Jābir's narration there was any prohibition of selling fruits before their benefit is evident (i. e. no dangers of being spoilt or blighted). He replied that there was none.

٣٩٦ ـ حدَّثَنا عَلِيُّ بنُ عَبْدِ الله: حدَّثَنا سُفْيانُ قالَ: قالَ يَحْيَى بنُ سَعِيدٍ: سَمِعْتُ بُشَيْرًا قالَ: سَمِعْتُ سَهْلَ بنَ أَبِي حَثْمَةَ: أَنَّ رَسُولَ الله صلى اللهُ عليه وسلَّم نَهَى عَنْ بَيْعِ الثَّمَرِ بالتَّمْرِ، و رَخَّصَ فى العَرِيَّةِ أَنْ تُباعَ بِخَرْصِها، يأكُلُها أهْلُها رُطَبًا. و قالَ سُفْيانُ مَرَّةً أُخْرَى: إلا أنَّهُ رَخَّصَ فى العَرِيَّةِ يَبِيعُها أهْلُها بِخَرْصِها، يَأكُلُونَها رُطَبًا. قالَ: هُوَ سَوَاءٌ، قالَ: سُفْيانُ: فَقُلْتُ لِيَحْيَى و أنا غُلامٌ: إنَّ أهْلَ مَكَّةَ يَقُولُونَ إنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم رَخَّصَ لهُمْ فى بَيْعِ العَرَايا، فَقالَ: وما يُدْرِي أهْلَ مَكَّةَ ؟ قُلْتُ: إنَّهُمْ يَرْوُونَهُ عَنْ جابِرٍ، فَسَكَتَ. قالَ سُفْيانُ: إنَّما أرَدْتُ أنَّ جابِرًا مِنْ أهْلِ المَدِينَةِ. قِيلَ لِسُفْيانَ: ألَيْسَ فِيهِ نَهْيٌ عَنْ بَيْعِ الثَّمَرِ حَتَّى يَبْدُوَ صَلاحُهُ ؟ قالَ: لا .

CHAPTER. The explanation of ʿArāyā.

Mālik said, "ʿAriya (plural ʿArāyā) means that a person gives a date palm (i. e. its product of dates) as a gift to another person, and then the giver is troubled by the latter's coming to the giver's private

بابُ تَفْسِيرِ العَرَايا.

و قالَ مالِكٌ: العَرِيَّةُ أنْ يُعْرِيَ الرَّجُلُ الرَّجُلَ النَّخْلَةَ، ثُمَّ يَتَأذَّى بِدُخُولِهِ عَلَيْهِ. فَرُخِّصَ لَهُ أنْ يَشْتَرِيَها مِنْهُ بِتَمْرٍ. و قالَ ابنُ إدْرِيسَ: العَرِيَّةُ لا تَكُونُ

garden (to cut the dates), so the giver is allowed to purchase those date fruits with dried dates."

Ibn Idrīs said, "The sale of the dates of an ᶜArīya should be for measured dates delivered from hand to hand and not to be done at random." The saying of Sahl bin Hathma confirms this verdict, i. e. that the exchange of dates should not be at random but by measure of Awsuq. Ibn ᶜUmar رضي الله عنهما said, "Al-ᶜArāyā meant to give one or two date palms to someone."

Ṣufyān bin Ḥusain said, "Al-ᶜArāyā were date palms given as a gift to the poor who could not wait till the fruits were ripe, so they were allowed to sell them for dates as they wished."

397. Narrated Ibn ᶜUmar from Zaid bin Thābit رضي الله عنه : Allāh's Apostle ﷺ allowed the sale of ᶜArāyā by estimating the dates on them for measured amounts of dried dates.

Mūsā bin ᶜUqba said, "Al-ᶜArāyā were distinguished date palms; one could come and buy them (i. e. their fruits)."

CHAPTER. The sale of fruits before their benefit is evidentent (i. e. free from all the dangers of being spoilt or blighted). Zaid bin Thābit said, "In the life-time of Allāh's Apostle ﷺ, the people used to trade with fruits. When they cut their date fruits and the purchasers came to

إلا بالكَيْلِ مِنَ التَّمْرِ يَدًا بِيَدٍ، ولا تَكُونُ بالجِزَافِ. و مِمَّا يُقَوِّيهِ قَوْلُ سَهْلِ بنِ أبي حَثْمَةَ: بالأَوْسُقِ المُوَسَّقَةِ. و قالَ ابنُ إسحاقَ فى حَدِيثِهِ عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِىَ اللهُ عَنْهُما: كانَتِ العَرَايا أنْ يُعْرِىَ الرَّجُلُ الرَّجُلَ فى مالِهِ النَّخْلَةَ والنَّخْلَتَيْنِ. و قالَ يَزِيدُ عَنْ سُفْيانَ بنِ حُسَيْنٍ: العَرَايا نَخْلٌ كانَتْ تُوهَبُ للمَساكِينَ فَلا يَسْتَطِيعُونَ أنْ يَنْتَظِرُوا بِها، فَرُخِّصَ لَهُمْ أنْ يَبِيعُوها بِمَا شاءُوا مِنَ التَّمْرِ.

٣٩٧ ـ حدَّثَنا مُحَمَّدٌ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا مُوسَى بنُ عُقْبَةَ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ، عَنْ زَيْدِ بنِ ثابِتٍ رَضِىَ اللهُ عَنْهُمْ: أنَّ رَسُولَ اللهِ صلى الله عليهِ وسلَّم رَخَّصَ فى العَرَايا أن تُباعَ بِخَرْصِها كَيْلاً. قالَ مُوسَى بنُ عُقْبَةَ: والعَرَايا نَخَلاتٌ مَعْلُوماتٌ تَأْتِيها فَتَشْتَرِيها.

باب بَيْعِ الثِّمارِ قَبْلَ أنْ يَبْدُوَ صَلاحُها. و قالَ اللَّيْثُ، عَنْ أبي الزِّنادِ: كانَ عُرْوَةُ بنُ الزُّبَيْرِ يُحَدِّثُ عَنْ سَهْلِ بنِ أبي حَثْمَةَ الأنْصارِىِّ مِنْ بَنِى حارِثَةَ أنَّهُ: حدَّثَهُ عَنْ زَيْدِ

receive their rights, the sellers would say, 'My dates have got rotten; they are blighted with disease, they are afflicted with Qitham (a disease which causes the fruits to fall before ripening).' They would go on complaining of defects in their purchases. Allāh's Apostle ﷺ said, 'Do not sell the fruits before their benefit is evident (i. e. free from all the dangers of being spoiled or blighted),' by way of advice for they quarrelled too much." Kharija bin Zaid bin Thābit said that Zaid bin Thābit used not to sell the fruits of his land till pleiads (1) appeared and one could distinguish the yellow fruits from the red (ripe) ones.

ابنِ ثابتٍ رَضِيَ اللهُ عَنْهُ قالَ: كانَ النَّاسُ فى عَهْدِ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم يتبايَعُونَ الثمارَ، فإذَا جَدَّ النَّاسُ وحَضَرَ تَقَاضِيهِم قالَ المُبْتاعُ: إنَّهُ أصابَ الثَّمَرَ الدُّمانُ، أصابَهُ مَرَضٌ، أصابَهُ قُشامٌ، عاهاتٌ يَحْتَجُّونَ بِها. فقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم لمَّا كَثُرَتْ عِنْدَهُ الخُصومَةُ فى ذلكَ: فإمَّا لا، فلا تَتَبايَعُوا حتَّى يَبْدُوَ صلاحُ الثَّمَرِ، كالمَشُورَةِ يُشِيرُ بها لِكَثْرَةِ خُصُومَتِهِم. وأخْبَرَنى خارِجَةُ بنُ زَيْدِ بنِ ثابِتٍ: أنَّ زَيْدَ بنَ ثابتٍ لم يَكُنْ يَبِيعُ ثِمارَ أرْضِهِ حتَّى تَطْلُعَ الثُّرَيَّا، فيَتَبَيَّنَ الأصْفَرُ مِنَ الأحْمَرِ. قالَ أبو عَبْدِ اللهِ: رَوَاهُ عَلِىُّ بنُ بَحْرٍ.

398. Narrated Zaid same as above.

٣٩٨ - حدَّثنا حَكامٌ: حدَّثَنا عَنْبَسَةُ، عَنْ زَكَرِيَّاءَ، عَنْ أبِى الزِّنادِ، عَنْ عُرْوَةَ، عَنْ سَهْلٍ، عَنْ زَيْدٍ.

399. Narrated ʿAbdullāh bin ʿUmar ؓ: Allāh's Apostle ﷺ forbade the sale of fruits till their benefit is evident. He forbade both the seller and the buyer (such sale).

٣٩٩ - حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى عَنْ بَيْعِ

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(1) Pleiads is the star which starts to appear at dawn in the early summer when it gets very hot in Hijāz at the early season of the ripening of fruits. The appearance of this star is a sign of the ripening of dates.

الثِّمارِ حتَّى يَبْدُوَ صَلاحُها. نَهَى البائِعَ والمُبْتاعَ .

400. Narrated Anas ؓ : Allāh's Apostle ﷺ forbade the sale of date fruits till they were ripe. Abū ʿAbdullāh (Al-Bukhārī) said, "That means till they were red (can be eaten)."

٤٠٠ ـ حدَّثَنا ابنُ مُقاتِلٍ : أخْبَرَنا عَبْدُ اللهِ : أخْبَرَنا حُمَيْدٌ الطَّوِيلُ ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى أنْ تُباعَ ثَمَرَةُ النَّخْلِ حتَّى تَزْهُوَ . قالَ أبُو عَبْدِ اللهِ : يَعْنِي حتَّى تَحْمَرَّ .

401. Narrated Jābir bin ʿAbdullāh ؓ : The Prophet ﷺ forbade the sale of (date) fruits till they were red or yellow and fit for eating.

٤٠١ ـ حدَّثَنا مُسَدَّدٌ : حدَّثَنا يَحْيَى ابنُ سَعِيدٍ ، عَنْ سَلِيمِ بنِ حَيَّانَ : حدَّثَنا سَعِيدُ بنُ مِينا قالَ : سَمِعْتُ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ : نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم أنْ تُباعَ الثَّمَرَةُ حتَّى تُشَقِّحَ . فَقِيلَ : ما تُشَقِّحُ ؟ قالَ : تَحْمارُّ و تَصْفارُّ و يُؤْكَلُ مِنْها .

CHAPTER. The sale of date palms (date trees) before their benefit is evident.

بابُ بَيْعِ النَّخْلِ قَبْلَ أنْ يَبْدُوَ صَلاحُها .

402. Narrated Anas bin Mālik ؓ : The Prophet ﷺ forbade the sale of fruits till their benefit is evident ; and the sale of date palms till the dates are almost ripe. He was asked what 'are almost ripe' meant. He replied, "Got red and yellow."

٤٠٢ ـ حدَّثَنِي عَلِيُّ بنُ الهَيْثَمِ : حدَّثَنا مُعَلًّى : حدَّثَنا هُشَيْمٌ : أخْبَرَنا حُمَيْدٌ : حدَّثَنا أنَسُ بنُ مالِكٍ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم : أنَّهُ نَهَى عَنْ بَيْعِ الثَّمَرَةِ حتَّى يَبْدُوَ صَلاحُها ، و عَنِ النَّخْلِ حتَّى يَزْهُوَ . قِيلَ وَما يَزْهُوَ ؟ قالَ : يَحْمارُّ أوْ يَصْفارُّ .

CHAPTER. If somebody sells fruits before their benefit is evident and free from blights and then they get afflicted with some defects, they will be left to the seller.

403. Narrated Anas bin Mālik رضي الله عنه : Allāh's Apostle ﷺ forbade the sale of fruits till they are almost ripe. He was asked what is meant by 'are almost ripe.' He replied, "Till they become red." Allāh's Apostle ﷺ further said, "If Allāh spoiled the fruits, what right would one have to take the money of one's brother (i.e. other people)?"

Narrated Al-Laith from Yūnus from Ibn Shihāb: If somebody bought fruits before their benefit is evident and then the fruits were spoiled with blights, the loss would be suffered by the owner (not the buyer).

Narrated Sālim bin ʿAbdullāh from Ibn ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ said, "Do not sell or buy fruits before their benefit was evident and do not sell fresh fruits (dates) for dried dates."

CHAPTER. To buy foodstuff on credit.

404. Narrated ʿAisha رضي الله عنها : The Prophet ﷺ bought some foodstuff from a Jew on credit and mortgaged his armour to him.

بابٌ إذا باعَ الثِّمارَ قَبْلَ أنْ يَبْدُوَ صَلاحُها ثُمَّ أصابَتْهُ عاهَةٌ فَهُوَ مِنَ البائعِ .

٤٠٣ ـ حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبرَنا مالكٌ، عَنْ حُمَيْدٍ، عَنْ أنَسِ ابنِ مالكٍ رَضِيَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى عَنْ بَيْعِ الثِّمارِ حتَّى تُزْهِيَ . فَقِيلَ لَهُ : وما تُزْهِي ؟ قالَ : حتَّى تَحْمَرَّ . فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : أرَأيْتَ إذا مَنَعَ اللهُ الثَّمَرَةَ ، بِمَ يَأْخُذُ أحَدُكُمْ مالَ أخيهِ ؟

وقالَ اللَّيْثُ : حدَّثَنِي يُونُسُ ، عَنِ ابنِ شِهابٍ قالَ : لَوْ أنَّ رَجُلاً ابْتاعَ ثَمَراً قَبْلَ أنْ يَبْدُوَ صَلاحُهُ ثُمَّ أصابَتْهُ عاهَةٌ كانَ ما أصابَهُ على رَبِّهِ . أخْبرَنِي سالمُ بنُ عَبْدِ اللهِ ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : لا تَتَبايَعُوا الثَّمَرَ حتَّى يَبْدُوَ صَلاحُها ، ولا تَبِيعُوا الثَّمَرَ بالتَّمْرِ .

بابُ شِراءِ الطَّعامِ إلى أجَلٍ .

٤٠٤ ـ حدَّثنا عُمَرُ بنُ حَفْصِ بنِ غِياثٍ : حدَّثنا أبي : حدَّثنا الأعْمَشُ ، قالَ : ذَكَرْنا عِنْدَ إبْراهِيمَ الرَّهْنَ في السَّلَفِ فَقالَ : لا بَأسَ بِهِ . ثُمَّ حدَّثنا عَنِ الأسْوَدِ ، عَنْ عائشَةَ رَضِيَ اللهُ عَنْها :

أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم اشْتَرَى طَعاماً مِنْ يَهُودِيٍّ إلى أجَلٍ فَرَهَنَهُ دِرْعَهُ .

CHAPTER. If one wishes to buy one kind of dates for a better kind of dates.

بابُ إذا أرَادَ بَيْعَ تَمْرٍ بِتَمْرٍ خَيْرٍ مِنْهُ .

405. Narrated Abū Sa^c^īd Al-Khudrī and Abū Huraira ؓ : Allāh's Apostle ﷺ appointed somebody as a governor of Khaibar. That governor brought to him an excellent kind of dates (from Khaibar). The Prophet ﷺ asked, "Are all the dates of Khaibar like this?" He replied, "By Allāh, no, O Allāh's Apostle! But we barter one Ṣā^c^ of this (type of dates) for two Ṣā^c^s of dates of ours and two Ṣā^c^s of it for three of ours." Allāh's Apostle ﷺ said, "Do not do so, but sell the mixed dates (of inferior quality) for money, and then buy good dates with that money."

٤٠٥ ـ حدَّثنا قُتَيْبَةُ ، عَنْ مالكٍ ، عَنْ عَبْدِ المَجِيدِ بنِ سُهَيْلِ بنِ عَبْدِ الرَّحْمَنِ ، عَنْ سَعِيدِ بنِ المُسَيَّبِ ، عَنْ أبي سَعِيدٍ الخُدْرِيِّ ، و عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُما : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم اسْتَعْمَلَ رَجُلاً عَلى خَيْبَرَ فَجاءَهُ بِتَمْرٍ جَنِيبٍ فقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : أكُلُّ تَمْرِ خَيْبَرَ هكَذَا ؟ قالَ : لا ، واللهِ يا رَسُولَ اللهِ إنَّا لَنَأخُذُ الصَّاعَ مِنْ هذَا بالصَّاعَيْنِ والصَّاعَيْنِ بالثَّلاثَةِ . فقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : لا تَفْعَلْ ، بِعِ الجَمْعَ بالدَّرَاهِمِ ثُمَّ ابْتَعْ بالدَّرَاهِمِ جَنِيباً .

CHAPTER. Whoever sold or rented date palms which were pollinated, or land which was sown (with wheat or barley).

بابُ مَنْ باعَ نَخْلاً قَدْ أُبِّرَتْ ، أوْ أرْضاً مَزْرُوعَةً ، أوْ بإجارَةٍ . قالَ أبُو عَبْدِ اللهِ : و قالَ لي إبْرَاهِيمُ : أخْبَرَنا هِشامٌ : أخْبَرَنا ابنُ جُرَيْجٍ قالَ : سَمِعْتُ ابنَ أبي مُلَيْكَةَ : يُخْبِرُ عَنْ نافِعٍ مَوْلى ابنِ عُمَرَ : أيُّما نَخْلٍ بِيعَتْ قَدْ أُبِّرَتْ لَمْ يُذْكَرِ الثَّمَرُ ، فالثَّمَرُ لِلَّذِي أبَّرَها .

Narrated Nāfi^c^, the freed slave of Ibn ^c^Umar: If pollinated date palms are sold and nothing is mentioned (in the contract) about their fruits, the fruits will go to the person who has pollinated them, and so will be the case with the slave and the cultivator. Nāfiʿ mentioned those three things.

وَكَذَلِكَ الْعَبْدُ وَالْحَارِثُ، سَمَّى لَهُ نَافِعٌ هَؤُلَاءِ الثَّلَاثَةَ .

406. Narrated ʿAbdullāh bin ʿUmar ؓ : Allāh's Apostle ﷺ said, "If somebody sells pollinated date palms, the fruits will be for the seller unless the buyer stipulates that they will be for himself (and the seller agrees)."

٤٠٦ ـ حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ : أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا : أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ : مَنْ بَاعَ نَخْلًا قَدْ أُبِّرَتْ فَثَمَرُهَا لِلبَائِعِ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ .

CHAPTER. The sale of unharvested crops for a measured quantity of foodstuff.

بابُ بَيْعِ الزَّرْعِ بِالطَّعَامِ كَيْلًا .

407. Narrated Ibn ʿUmar ؓ : Allāh's Apostle ﷺ forbade Al-Muzābana, i. e. to sell ungathered dates of one's garden for measured dried dates or fresh ungathered grapes for measured dried grapes; or standing crops for measured quantity of foodstuff. He forbade all such bargains.

٤٠٧ ـ حَدَّثَنَا قُتَيْبَةُ : حَدَّثَنَا اللَّيْثُ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قالَ : نَهَى رَسُولُ اللهِ صلى اللهُ عليه وسلَّم عَنِ الْمُزَابَنَةِ، أَنْ يَبِيعَ ثَمَرَ حَائِطِهِ إِنْ كَانَ نَخْلًا بِتَمْرٍ كَيْلًا . وَإِنْ كَانَ كَرْمًا أَنْ يَبِيعَهُ بِزَبِيبٍ كَيْلًا، وَإِنْ كَانَ زَرْعًا أَنْ يَبِيعَهُ بِكَيْلِ طَعَامٍ . وَنَهَى عَنْ ذَلِكَ كُلِّهِ .

CHAPTER. The sale of date palms completely (with roots and stems).

بابُ بَيْعِ النَّخْلِ بِأَصْلِهِ .

408. Narrated Ibn ʿUmar ؓ : The Prophet ﷺ said, "Whoever pollinates date palms and then sells them, the fruits will belong to him unless the buyer stipulates that the fruits should belong to him (and the seller agrees)."

٤٠٨ ـ حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ : حَدَّثَنَا اللَّيْثُ، عَنْ نَافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا : أَنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم قالَ : أَيُّمَا امْرِىءٍ أَبَّرَ نَخْلًا ثُمَّ بَاعَ أَصْلَهَا فَلِلَّذِي أَبَّرَ ثَمَرُ النَّخْلِ إِلَّا أَنْ يَشْتَرِطَهُ الْمُبْتَاعُ .

CHAPTER. Bai^c Al-Mukhādara (the sale of grains or vegetables before their benefit is evident).

409. Narrated Anas bin Mālik رضي الله عنه : Allāh's Apostle ﷺ forbade 'Muhāqala, Mukhādara, Mulāmasa, Munābadha and Muzābana. (See glossary and previous Hadīths for the meanings of these terms.)

410. Narrated Humaid : Anas رضي الله عنه said, "The Prophet ﷺ forbade the selling of dates till they were almost ripe." We asked Anas, "What does 'almost ripe' mean?" He replied, "They get red and yellow. The Prophet ﷺ added, 'If Allāh destroyed the fruits present on the trees, what right would the seller have to take the money of his brother (somebody else)?'"

CHAPTER. The sale and eating of spadix (edible pith growing at the upper part of the trunk of a palm tree).

411. Narrated Ibn ^cUmar رضي الله عنهما : I was with the Prophet ﷺ while he was eating spadix. He said, "From the trees there is a tree which resembles a faithful believer." I wanted to say that it was the date palm, but I was the youngest among them (so I kept quiet). He added, "It is the date palm."

بابُ بَيْعِ المخاضَرةِ.

٤٠٩ ـ حدَّثَنا إسحاقُ بنُ وَهْبٍ: حدَّثَنا عُمَرُ بنُ يُونُس قالَ: حدَّثَنِي أبي قالَ: حدَّثَنِي إسحاقُ بنُ أبي طَلْحَةَ الأنْصارِيُّ، عَنْ أنَسِ بنِ مالكٍ رَضِيَ اللهُ عَنْهُ أنَّهُ قالَ: نَهَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم عَنِ المحاقَلةِ والمخاضَرةِ والمُلامَسَةِ والمُنابَذةِ والمُزابَنَةِ.

٤١٠ ـ حدَّثَنا قُتَيْبَةُ: حدَّثَنا إسماعِيلُ بنُ جَعْفَرٍ، عَنْ حُمَيْدٍ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم نَهَى عَنْ بَيْعِ ثَمَرِ التَّمْرِ حتَّى يَزْهُوَ، فَقُلْنا لأنَسٍ: ما زَهْوُها؟ قالَ: تَحْمَرُّ و تَصْفَرُّ. أرَأيْتَ إنْ مَنَعَ اللهُ الثَّمَرَ بِمَ تَسْتَحِلُّ مالَ أخيكَ؟

بابُ بيْعِ الجُمَّارِ و أكْلِهِ.

٤١١ ـ حدَّثَنا أبُو الوَلِيد هِشامُ بنُ عَبْدِ المَلكِ: حدَّثَنا أبُو عَوانَةَ، عَنْ أبي بِشْرٍ، عَنْ مُجاهِدٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما، قال: كُنْتُ عِنْدَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم و هُوَ يأكُلُ جُمَّاراً، فَقالَ مِنَ الشَّجَرِ شَجَرَةٌ كالرَّجُلِ المُؤْمِنِ، فأرَدْتُ أنْ أقُولَ هيَ النَّخْلَةُ،

CHAPTER. In cases where there is no fixed judgement, the traditions and conventions of each community are to be referred to, to deduce a judgement in such matters as sales, renting, measuring and weighing.

Shuraih told the weavers, "You are permitted to follow your own conventions to solve your problems (it is legal for you to stick to your traditions in bargain)."

And, said ʿAbdul Wahāb from Aiyūb from Muḥammad, "There is no harm in selling for eleven what you buy for ten, and you are allowed to take a profit for expenses."

The Prophet ﷺ told Hind, "Take what is sufficient for you and your sons reasonably." Allāh تعالى says : Whoever is poor can eat (from the orphan's property) reasonably (according to his labours).

Al-Ḥasan hired a donkey from ʿAbdullāh bin Mirdās and asked him about the hire. The latter replied that it was for two Dāniqs (a Dāniq equals 1/6th Dirham). So Al-Ḥasan rode away. Another time, Al-Ḥasan came to ʿAbdullāh bin Mirdās and asked him to hire the donkey to him and rode away without asking him about the hire, but he sent him half a Dirham. (1)

فإذَا أنَا أحدَثهمْ، قالَ: هيَ النَّخْلَةُ.

بابُ مَنْ أجْرَى أمْرَ الأمْصَارِ على ما يتَعارَفُونَ بَيْنَهُمْ في البُيُوعِ والإجَارَةِ، والكَيْلِ والوَزْنِ، و سُنَنِهِمْ على نِيَّاتِهِمْ و مَذَاهِبِهِمِ المَشْهورَةِ.

و قالَ شُرَيْحٌ للغَزَّالينَ: سُنَّتُكُمْ بيْنَكُمْ. و قالَ عَبْدُالوَهَّابِ، عَنْ أيُّوبَ، عَنْ مُحَمَّدٍ: لا بَأسَ العَشْرَةُ بأحَدَ عَشَرَ، و يأخُذُ للنَّفَقَةِ رِبْحا. و قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم لهِنْدٍ: خُذِي ما يَكْفِيكِ و ولَدَكِ بالمَعْرُوف. و قالَ تعالى ـ و مَنْ كانَ فَقِيرًا فلْيَأكُلْ بالمَعْرُوفِ ـ واكْترى الحَسَنُ منْ عَبْدِ اللهِ ابنِ مِرْدَاسٍ حِمارًا فقَالَ: بِكَمْ؟ قالَ: بِدَانِقَيْنِ، فرَكِبَهُ ثُمَّ جاءَ مَرَّةً أُخْرَى فقَالَ: الحِمارَ الحِمارَ، فرَكِبَهُ ولمْ يُشارِطْهُ، فبَعَثَ إلَيْهِ بِنِصْفِ دِرْهَمٍ.

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(1) Al-Ḥasan did not ask about the hire the second time depending on what they had agreed upon the first time. He sent ʿAbdullāh more than what was due out of generosity.

412. Narrated Anas bin Mālik ؓ :

Abū Ṭaiba cupped Allāh's Apostle ﷺ and so Allāh's Apostle ﷺ ordered that a Ṣāᶜ of dates be paid to him and ordered his masters (for he was a slave) to reduce his tax. (1)

413. Narrated ᶜĀisha ؓ : Hind, the mother of Muᶜāwiya said to Allāh's Apostle ﷺ , "Abū Ṣufyān (her husband) is a miser. Am I allowed to take from his money secretly?" The Prophet ﷺ said to her, "You and your sons may take what is sufficient reasonably and fairly."

414. Narrated Hishām bin ᶜUrwa from his father who heard ᶜĀisha saying, "The Holy Verse; 'Whoever is rich should keep away (from the property of the orphans) and whoever is poor can eat from it reasonably (according to his labours)' (4 : 6) was revealed concerning the guardian of the orphans who looks after them and manages favourably their financial affairs; if the guardian is poor, he could eat from it a reasonable amount (according to his labours)."

٤١٢ - حَدَّثَنَا عَبْدُ اللهِ بنُ يُوسُفَ : أَخْبَرَنَا مالِكٌ ، عَنْ حُمَيْدٍ الطَّوِيلِ ، عَنْ أَنَسِ بنِ مالِكٍ رَضِيَ اللهُ عَنْهُ قالَ : حَجَمَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ أَبُو طَيْبَةَ فأمَرَ لَهُ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ بِصاعٍ مِنْ تَمْرٍ ، و أَمَرَ أَهْلَهُ أَنْ يُخَفِّفُوا عَنْهُ مِنْ خَراجِهِ .

٤١٣ - حَدَّثَنَا أَبُو نُعَيْمٍ : حَدَّثَنَا سُفْيانُ ، عَنْ هِشامٍ ، عَنْ عُرْوَةَ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها : قالَتْ هِنْدٌ أُمُّ مُعاوِيَةَ لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ : إنَّ أبا سُفْيانَ رَجُلٌ شَحِيحٌ ، فَهَلْ عَلَيَّ جُناحٌ أنْ آخُذَ مِنْ مالِهِ سِرًّا ؟ قالَ : خُذِي أنْتِ و بَنُوكِ ما يَكْفِيكِ بالمَعْرُوفِ .

٤١٤ - حَدَّثَنِي إسحاقُ : حَدَّثَنا ابنُ نُمَيْرٍ : أَخْبَرَنا هِشامٌ ، و حَدَّثَنِي مُحَمَّدٌ قالَ : سَمِعْتُ عُثْمانَ بنَ فَرْقَدٍ قالَ : سَمِعْتُ هِشامَ بنَ عُرْوَةَ يُحَدِّثُ عَنْ أبِيهِ : أنَّهُ سَمِعَ عائِشَةَ رَضِيَ اللهُ عَنْها تَقُولُ - و مَنْ كانَ غَنِيًّا فَلْيَسْتَعْفِفْ و مَنْ كانَ فَقِيرًا فَلْيَأْكُلْ بالمَعْرُوفِ - أُنْزِلَتْ في والِي اليَتِيمِ الَّذِي يُقِيمُ عَلَيْهِ و يُصْلِحُ في مالِهِ ، إنْ كانَ فَقِيرًا أَكَلَ مِنْهُ بالمَعْرُوفِ .

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(1) Slaves had to pay their masters certain taxes.

CHAPTER. Selling of a joint property by one partner to the other.

بابُ بَيْعِ الشَّرِيكِ مِنْ شَرِيكِهِ .

415. Narrated Jābir رضي الله عنه : Allāh's Apostle ﷺ gave pre-emption (to the partner) in every joint property, but if the boundaries of the property were demarcated or the ways and streets were fixed, then there was no pre-emption.

٤١٥ ـ حَدَّثَنِي مَحْمُودٌ : حَدَّثَنَا عَبْدُ الرَّزَّاقِ : أَخْبَرَنَا مَعْمَرٌ ، عَنِ الزُّهْرِى ، عَنْ أَبِي سَلَمَةَ ، عَنْ جَابِرٍ رَضِيَ اللهُ عَنْهُ : جَعَلَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم الشُّفْعَةَ فِى كُلِّ مَالٍ لَمْ يُقْسَمْ ، فَإِذَا وَقَعَتِ الحُدُودُ وَ صُرِّفَتِ الطُّرُقُ فَلَا شُفْعَةَ .

CHAPTER. The sale of undivided common land, buildings and belongings.

بابُ بَيْعِ الأَرْضِ وَالدُّورِ وَالعُرُوضِ مُشَاعًا غَيْرَ مَقْسُومٍ .

416. Narrated Jābir bin ʿAbdullāh رضي الله عنهما : Allāh's Apostle ﷺ decided the validity of pre-emption in every joint undivided property, but if the boundaries were well marked or the ways and streets were fixed, then there was no pre-emption.

٤١٦ ـ حَدَّثَنَا مُحَمَّدُ بْنُ مَحْبُوبٍ : حَدَّثَنَا عَبْدُ الوَاحِدِ : حَدَّثَنَا مَعْمَرٌ ، عَنِ الزُّهْرِىِّ ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا قَالَ : قَضَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم بِالشُّفْعَةِ فِى كُلِّ مَالٍ لَمْ يُقْسَمْ . فَإِذَا وَقَعَتِ الحُدُودُ ، وَصُرِّفَتِ الطُّرُقُ فَلَا شُفْعَةَ .

417. Narrated Musaddad from ʿAbdul Wāḥid the same as above but said, "...... in every joint undivided thing......"

Narrated Hishām from Maʿmar the same as above but said, "......in every property......"

٤١٧ ـ حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا عَبْدُ الوَاحِدِ بِهَذَا . وَقَالَ : فِى كُلِّ مَا لَمْ يُقْسَمْ . تَابَعَهُ هِشَامٌ ، عَنْ مَعْمَرٍ ، قَالَ عَبْدُ الرَّزَّاقِ : فِى كُلِّ مَالٍ ، رَوَاهُ عَبْدُ الرَّحْمَنِ بْنُ إِسْحَاقَ عَنِ الزُّهْرِى .

CHAPTER. If somebody buys something for another without his permission and the latter accepts it.

418. Narrated Ibn ʿUmar رضي الله عنهما : The Prophet ﷺ said, "While three persons were walking, rain began to fall and they had to enter a cave in a mountain. A big rock rolled over and blocked the mouth of the cave. They said to each other, 'Invoke Allāh with the best deed you have performed (so Allāh might remove the rock)'. One of them said, 'O Allāh! My parents were old and I used to go out for grazing (my animals). On my return I would milk (the animals) and take the milk in a vessel to my parents to drink. After they had drunk from it, I would give it to my children, family and wife. One day I was delayed and on my return I found my parents sleeping, and I disliked to wake them up. The children were crying at my feet (because of hunger). We continued in that state till dawn. O Allāh! If You regard that I did this for Your sake, I pray to You to remove this rock so that we may see the sky.' So, the rock was moved a bit. The second said, 'O Allāh! You know that I was in love with a cousin of mine, like the deepest love a man may have for a woman, and she told me that I would not get my desire fulfilled unless I paid her one-hundred Dinārs (gold pieces). So, I struggled for it till I gathered the desired amount, and when I sat in between her legs, she told me to be afraid of Allāh,

بَابٌ إِذَا اشْتَرَى شَيْئًا لِغَيْرِهِ بِغَيْرِ إِذْنِهِ فَرَضِيَ .

٤١٨ ـ حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبُو عَاصِمٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِى مُوسَى بْنُ عُقْبَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَ: خَرَجَ ثَلاثَةُ نَفَرٍ يَمْشُونَ فَأَصَابَهُمُ المَطَرُ فَدَخَلُوا فِى غَارٍ فِى جَبَلٍ فَانحَطَّتْ عَلَيْهِمْ صَخْرَةٌ. قَالَ: فَقَالَ بَعْضُهُمْ لِبَعْضٍ: ادْعُوا اللهَ بِأَفْضَلِ عَمَلٍ عَمِلْتُمُوهُ. فَقَالَ أَحَدُهُمْ: اللَّهُمَّ إِنِى كَانَ لِى أَبَوَانِ شَيْخَانِ كَبِيرَانِ، فَكُنْتُ أَخْرُجُ فَأَرْعَى، ثُمَّ أَجِىءُ فَأَحْلُبُ فَأَجِىءُ بِالحِلابِ فَآتِى بِهِ أَبَوَىَّ فَيَشْرَبَانِ. ثُمَّ أَسْقِى الصِّبْيَةَ وَأَهْلِى وَامْرَأَتِى. فَاحْتَبَسْتُ لَيْلَةً فَجِئْتُ فَإِذَا هُمَا نَائِمَانِ، قَالَ: فَكَرِهْتُ أَنْ أُوقِظَهُمَا، وَالصِّبْيَةُ يَتَضَاغَوْنَ عِنْدَ رِجْلَىَّ. فَلَمْ يَزَلْ ذَلِكَ دَأْبِى وَدَأْبَهُمَا حَتَّى طَلَعَ الفَجْرُ. اللَّهُمَّ إِنْ كُنْتَ تَعْلَمُ أَنِّى فَعَلْتُ ذَلِكَ ابْتِغَاءَ وَجْهِكَ فَافْرُجْ عَنَّا فُرْجَةً نَرَى مِنْهَا السَّمَاءَ. قَالَ: فَفُرِجَ عَنْهُمْ. وَقَالَ الآخَرُ: اللَّهُمَّ إِنْ كُنْتَ تَعْلَمُ أَنِّى كُنْتُ أُحِبُّ امْرَأَةً مِنْ بَنَاتِ عَمِّى كَأَشَدِّ مَا يُحِبُّ الرَّجُلُ النِّسَاءَ. فَقَالَتْ:

and asked me not to deflower her except rightfully (by marriage). So, I got up and left her. O Allāh! If You regard that I did it for Your sake, kindly remove this rock.' So, two-thirds of the rock was removed. Then the third man said, 'O Allāh! No doubt You know that once I employed a worker for one Faraq (three Ṣāʿs) of millet, and when I wanted to pay him, he refused to take it, so I sowed it and from its yield I bought cows and a shepherd. After a time that man came and demanded his money. I said to him: Go to those cows and the shepherd and take them for they are for you. He asked me whether I was joking with him. I told him that I was not joking with him, and all that belonged to him. O Allāh! If I did it sincerely for You, remove the rock.' So, the rock was removed completely from the mouth of the cave."

CHAPTER. Buying and selling with pagans and the enemy warriors.

419. Narrated ʿAbdur-Raḥmān bin Abū Bakr رضي الله عنهما : We were with the Prophet ﷺ when a tall pagan with long matted unkempt hair came driving his sheep. The Prophet ﷺ asked him, "Are those sheep for sale or for gifts?"

لا تَنالُ ذلكَ مِنْها حتّى تُعْطِيَها مائَةَ دِينارٍ ، فَسَعَيْتُ فِيها حتّى جَمَعْتُها فلَمّا قَعَدْتُ بَينَ رِجْلَيها قالَتْ : اتَّقِ اللهَ ولا تَفُضَّ الخاتَمَ إلاَّ بِحَقِّه . فقُمْتُ وتَرَكْتُها . فإنْ كُنْتَ تَعْلَمُ أنِّى فَعَلْتُ ذلكَ ابْتِغاءَ وَجْهِكَ فافْرُجْ عَنّا فُرْجَةً ، قالَ : فَفَرَجَ عَنْهُمُ الثُّلُثَيْنِ . وَقالَ الآخَرُ : اللّهُمَّ إنْ كُنْتَ تَعْلَمُ إنِّى اسْتَأجَرْتُ أجِيرًا بِفَرَقٍ مِنْ ذُرَة فأعْطَيْتُهُ وأبى ذاكَ أنْ يأخُذَ ، فَعَمَدْتُ إلى ذلكَ الفَرَقِ فزَرَعْتُهُ حتّى اشْتَرَيْتُ مِنْهُ بَقَراً وراعِيَها . ثُمَّ جاءَ فقالَ : يا عَبْدَ اللهِ ، أعْطِنى حَقِّى . فقُلْتُ : انْطَلِقْ إلى تِلكَ البَقَرِ وراعِيَها فإنَّها لكَ . فقالَ : أتَسْتَهْزِيءُ بى ؟ قالَ : فقُلْتُ : ما أسْتَهْزِيءُ بِكَ ولكنَّها لكَ . اللّهُمَّ إنْ كُنْتَ تَعْلَمُ أنِّى فَعَلْتُ ذلكَ ابْتِغاءَ وجْهِكَ فافْرُجْ عَنّا ، فَكُشِفَ عَنْهُمْ .

بابُ الشِّراءِ والبَيْعِ مَعَ المُشْرِكِينَ وأهْلِ الحَرْبِ .

٤١٩ ـ حدَّثَنا أبُو النُّعْمانِ : حدَّثَنا مُعْتَمِرُ بنُ سُلَيمانَ ، عَنْ أبِيهِ ، عَنْ أبى عُثْمانَ ، عَنْ عَبْدِ الرحْمَنِ بنِ أبى بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَ : كُنّا مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّمَ ثُمَّ جاءَ رَجُلٌ مُشْرِكٌ

The pagan replied, "They are for sale." The Prophet ﷺ bought one sheep form him.

مُشْعانٌ طَوِيلٌ بِغَنَمٍ يَسُوقُها. فقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: أَبَيْعاً أمْ عَطِيَّةً؟ أو قالَ أمْ هِبَةً؟ قالَ: لا، بَلْ بَيْعٌ فاشْتَرَى مِنْهُ شاةً.

CHAPTER. The purchase of a slave from enemy warriors and giving him (to somebody) as a gift and manumitting him.

The Prophet ﷺ asked Salman to make a contract of his manumission with his masters. In reality Salman was a free man but the pagans oppressed him and sold him.

ᶜAmmar, Ṣuhaib and Bilal were taken as war slaves in booty.

Allah ﷻ said :—

'Allah has favoured some of you above other in provision. Now those who are favoured will by no means hand over their provision to those (slaves) whom their right hand possess, so that they may be equal with them in it. Do they then deny the grace of Allah ?'

باب شِرَاءِ المَمْلُوكِ مِنَ الحَرْبِيِّ وهِبَتِهِ وعِتْقِهِ. وقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم لِسَلْمانَ كاتِبْ، وكانَ حُرًّا فَظَلَمُوهُ وباعُوهُ. وسُبِيَ عَمَّارٌ وصُهَيْبٌ وبِلالٌ. وقالَ اللهُ تَعالى - واللهُ فَضَّلَ بَعْضَكُمْ عَلى بَعْضٍ فِي الرِّزْقِ. فما الَّذِينَ فُضِّلُوا بِرَادِّي رِزْقِهِمْ عَلى ما مَلَكَتْ أَيْمانُهُمْ فَهُمْ فِيهِ سَواءٌ. أفَبِنِعْمَةِ اللهِ يَجْحَدُونَ.

420. Narrated Abu Huraira ؓ : The Prophet ﷺ said, "The Prophet Abraham emigrated with Sarah and entered a village where there was a king or a tyrant. (The king) was told that Abraham had entered (thevillage) accompanied by a woman who was one of the most charming women. So, the king sent for Abraham and asked, 'O Abraham ! Who is this lady accompanying you ?' Abraham replied, 'She is my sister (i. e. in religion).' Then Abraham

٤٢٠ - حَدَّثَنا أبُو اليَمانِ: أخْبَرَنا شُعَيْبٌ: حَدَّثَنا أبُو الزِّنادِ، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: هاجَرَ إبْرَاهِيمُ عَلَيْهِ السَّلامُ بِسارَةَ فَدَخَلَ بِها قَرْيَةً فِيها مَلِكٌ مِنَ المُلُوكِ، أو جَبَّارٌ مِنَ الجَبابِرَةِ. فَقِيلَ: دَخَلَ إبْرَاهِيمُ بامْرَأةٍ هِيَ مِنْ أحْسَنِ النِّساءِ.

returned to her and said, ‘Do not contradict my statement, for I have informed them that you are my sister. By Allāh, there are no true believers on this land except you and I.’ Then Abraham sent her to the king. When the king got to her, she got up and performed ablution and started praying and said, ‘O Allāh! As I believe in You and Your Apostle, and I have saved my private parts from everybody except my husband, so I pray to You not to let this pagan overpower me.’ On that the king fell in a mood of agitation and started snoring. Seeing the condition of the king, Sarāh said, ‘O Allāh! If he should die, the people will say that I have killed him.’ The king regained his power, and proceeded towards her but she got up and performed ablution and prayed and said, ‘O Allāh! As I believe in You and Your Apostle and have kept my private parts safe from all except my husband, don’t let this pagan overpower me.’ The king again fell in a mood of agitation and started snoring. On seeing that state of the king, Sarāh said, ‘O Allāh! If he should die, the people will say that I have killed him.’ The king got either two or three attacks, and after recovering from the last attack he said, ‘By Allāh! You have sent a satan to me. Take her to Abraham عليه السلام and give her Ājar.’ So she came back to Abraham and said, ‘Allāh humiliated the pagan and gave us a slave-girl for service.’ ” (1)

فأرْسَلَ إليْهِ : أنْ يا إبْرَاهيمُ ، مَنْ هذهِ الَّتى مَعَكَ؟ قالَ: أُخْتِى، ثُمَّ رَجَعَ إليْها فقالَ لا تُكَذِّبِى حَديثى ، فإنِّى أخْبَرْتُهُمْ أنَّكِ أُخْتِى ، واللهِ إنْ عَلَى الأرْضِ مِنْ مُؤْمِنٍ غَيْرِى وغَيْرُكِ . فأرْسَلَ بِها إليْهِ فقامَ إليْها فقامَتْ تَوَضَّأُ وتُصَلِّى ، فقالَتْ : اللَّهُمَّ إنْ كُنْتُ آمَنْتُ بِكَ وبِرَسُولِكَ وأحْصَنْتُ فَرْجِى إلاَّ على زَوْجِى فَلا تُسَلِّطْ عليَّ الكافِرَ. فَغُطَّ حتَّى رَكَضَ بِرِجْلِه ، قالَ الأعْرَجُ قالَ : أبُو سَلَمَةَ ابنُ عَبْدِ الرَّحْمَنِ : إنَّ أبا هُرَيْرَةَ قالَ : قالَتْ : اللَّهُمَّ إنْ يَمُتْ يُقالُ هِىَ قَتَلَتْهُ . فأُرْسِلَ ، ثُمَّ قامَ إليْها فقامَتْ تَوَضَّأُ وتُصَلِّى وتَقُولُ : اللَّهُمَّ إنْ كُنْتُ آمَنْتُ بِكَ وبِرَسُولِكَ وأحْصَنْتُ فَرْجِى إلاَّ عَلَى زَوْجِى فلا تُسَلِّطْ عَلَىَّ هذا الكافِرَ . فَغُطَّ حتَّى رَكَضَ بِرِجْلِهِ . قالَ أبُو عَبْدِ الرَّحْمَنِ : قالَ أبُو سَلَمَةَ : قالَ أبُو هُرَيْرَةَ : فقالَتْ : اللَّهُمَّ إنْ يَمُتْ فيُقالُ هِىَ قَتَلَتْهُ . فأُرْسِلَ فى الثَّانِيَةِ أوْ فى الثَّالِثَةِ ، فقالَ : واللهِ ما أرْسَلْتُمْ إلَىَّ إلاَّ شَيْطاناً ، أرْجِعُوها إلى إبْراهِيمَ عَلَيْهِ السَّلامُ وأعْطُوها آجَرَ . فرَجَعَتْ إلى

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(1) Abraham عليه السلام accepted the gift from the infidel.

إِبْراهِيمَ عَلَيْهِ السَّلامُ، فَقالَتْ أَشَعَرْتَ أَنَّ اللهَ كَبَتَ الكافِرَ و أَخْدَمَ وَلِيدَةً؟

421. Narrated ᶜAisha رضي الله عنها : Saᶜd bin Abū Waqqāṣ and ᶜAbd bin Zamᶜa quarreled over a boy. Saᶜd said, "O Allāh's Apostle! This boy is the son of my brother (ᶜUtba bin Abū Waqqāṣ) who took a promise from me that I would take him as he was his (illegal) son. Look at him and see whom he resembles." ᶜAbd bin Zamᶜa said, "O Allāh's Apostle! This is my brother and was born on my father's bed from his slave-girl." Allāh's Apostle ﷺ cast a look at the boy and found definite resemblance to ᶜUtba and then said, "The boy is for you, O ᶜAbd bin Zamᶜa. The child goes to the owner of the bed and the adulterer gets nothing but the stones (despair i. e. stoned to death). Then the Prophet ﷺ said, "O Sauda bint Zamᶜa! Screen yourself from this boy." So, Sauda never saw him again.

٤٢١ ـ حَدَّثَنا قُتَيْبَةُ: حَدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها أَنَّها قالت: اخْتَصَمَ سَعْدُ بنُ أبي وَقَّاصٍ و عَبْدُ بن زَمْعَةَ في غُلامٍ، فَقالَ سَعْدٌ: هذَا يا رَسُولَ اللهِ ابنُ أَخي عُتْبَةَ بنِ أبي وَقَّاصٍ عَهِدَ إِلَيَّ أَنَّهُ ابْنُهُ، انظُرْ إلى شَبَهِهِ. و قالَ عَبْدُ بنُ زَمْعَةَ: هذَا أَخِي يا رَسُولَ اللهِ، وُلِدَ عَلَى فِراشِ أبي مِنْ وَلِيدَتِهِ. فَنَظَرَ رَسُولُ اللهِ صَلَّى اللهُ عليه وسلَّم إلى شَبَهِهِ فَرَأى شَبَهاً بَيِّناً بِعُتْبَةَ فَقالَ: هُوَ لَكَ يا عَبْدُ، الوَلَدُ لِلْفِراشِ وللعاهِرِ الحَجَرُ. واحْتَجِبي مِنْهُ يا سَوْدَةُ بِنْتَ زَمْعَةَ، فَلَمْ تَرَهُ سَوْدَةُ قَطُّ.

422. Narrated Saᶜd from his father who said, "ᶜAbdur-Raḥmān bin Auf said to Ṣuhaib, 'Fear Allāh and do not ascribe yourself to somebody other than your father.' Ṣuhaib replied, 'I would not like to say it even if I were given large amounts of money, but I say I was kidnapped in my childhood.'"

٤٢٢ ـ حَدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حَدَّثَنا غُنْدَرٌ: حَدَّثَنا شُعْبَةُ، عَنْ سَعْدٍ، عَنْ أَبِيهِ: قالَ عَبْدُ الرَّحْمَنِ بنُ عَوفٍ رَضِيَ اللهُ عَنْهُ لِصُهَيْبٍ: اتَّقِ اللهَ ولا تَدَّعِ إلى غَيرِ أَبِيكَ. فَقالَ صُهَيْبٌ: ما يَسُرُّنِي أن لي كَذا وكَذا وأَنِّي قُلْتُ ذلكَ. ولكِنِّي سُرِقْتُ وأنا صَبِيٌّ.

423. Narrated ᶜUrwa bin Az-Zubair: Ḥakīm bin Ḥizām said, "O Allāh's Apostle!

٤٢٣ ـ حَدَّثَنا أَبُو اليَمانِ: أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: أَخْبَرَنِي

I used to do good deeds of piety in the Pre-Islamic Ignorant Period e. g., keeping good relations with my kith and kin, manumitting slaves and giving alms. Shall I receive a reward for that?" Allāh's Apostle ﷺ replied, "You embraced Islām with all the good deeds which you did in the past."

CHAPTER. The hides of dead animals before tanning.

424. Narrated ʿAbdullāh bin ʿAbbās ؓ : Once Allāh's Apostle ﷺ passed by a dead sheep and said to the people, "Wouldn't you benifit by its skin?" The people replied that it was dead. The Prophet ﷺ said, "But its eating only is illegal."

CHAPTER. The killing of pigs. And Jābir said, "The Prophet ﷺ made the sale of pigs illegal."

425. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "By Him in Whose Hands my soul is, Ibn Maryam (Jesus) (1) will shortly descend amongst

عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ حَكِيمَ بْنَ حِزَامٍ أَخْبَرَهُ أَنَّهُ قَالَ: يَا رَسُولَ اللهِ، أَرَأَيْتَ أُمُورًا كُنْتُ أَتَحَنَّثُ أَوْ أَتَحَنَّتُ بِهَا فى الجَاهِلِيَّةِ مِنْ صِلَةٍ وَعَتَاقَةٍ وَصَدَقَةٍ، هَلْ لى فِيهَا أَجْرٌ؟ قَالَ حَكِيمٌ رَضِىَ اللهُ عَنْهُ: قَالَ رَسُولُ اللهِ صَلَّى اللهُ عليه وسلَّم: أَسْلَمْتَ عَلَى مَا سَلَفَ لَكَ مِنْ خَيْرٍ.

بَابُ جُلُودِ المَيْتَةِ قَبْلَ أَنْ تُدْبَغَ.

٤٢٤ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبِى، عَنْ صَالِحٍ قَالَ: حَدَّثَنِى ابْنُ شِهَابٍ أَنَّ عُبَيْدَ اللهِ ابْنَ عَبْدِ اللهِ أَخْبَرَهُ أَنَّ عَبْدَ اللهِ بْنَ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا أَخْبَرَهُ أَنَّ رَسُولَ اللهِ صَلَّى اللهُ عليه وسلَّم مَرَّ بِشَاةٍ مَيْتَةٍ فَقَالَ: هَلَّا اسْتَمْتَعْتُمْ بِإِهَابِهَا؟ قَالُوا: إِنَّهَا مَيْتَةٌ، قَالَ: إِنَّمَا حَرُمَ أَكْلُهَا.

بَابُ قَتْلِ الخِنْزِيرِ. وَقَالَ جَابِرٌ: حَرَّمَ النَّبِىُّ صَلَّى اللهُ عليه وسلَّم بَيْعَ الخِنْزِيرِ.

٤٢٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ المُسَيَّبِ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ

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(1) Christ will descend not as an Apostle but as a leader of the Muslims, and it is a severe warning to the christians who claim to be the followers of Jesus (Christ) and he will break the cross and kill the pigs.

you people as a just ruler (not as an Apostle) and will break the Cross and kill the pig and abolish the Jizya (a tax taken from the non-Muslims, who are in the protection. of the Muslim government). Then there will be abundance of money and no-body will accept charitable gifts.

رَضِيَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: والَّذِي نَفْسِي بِيَدِهِ لَيُوشِكَنَّ أَنْ يَنْزِلَ فِيكُمُ ابنُ مَرْيَمَ حَكَمًا مُقْسِطًا فَيَكْسِرَ الصَّلِيبَ، وَيَقْتُلَ الخِنْزِيرَ، وَيَضَعَ الجِزْيَةَ، وَيَفِيضَ المالُ حَتَّى لا يَقْبَلَهُ أَحَدٌ.

CHAPTER. The fat of the dead animal should not be melted, nor should it be sold. Jābir narrated this from the Prophet ﷺ

بابٌ لا يُذابُ شَحْمُ المَيْتَةِ ولا يُباعُ وَدَكُهُ. رَوَاهُ جابِرٌ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم.

426. Narrated Ibn ᶜAbbās ؓ : Once ᶜUmar was informed that a certain man sold alcohol. ᶜUmar said, "May Allāh curse him! Doesn't he know that Allāh's Apostle ﷺ said, 'May Allāh curse the Jews, for Allāh had forbidden them to eat the fat of animals but they melted it and sold it.'"(1)

٤٢٦ - حدَّثَنا الحُمَيْدِيُّ: حدَّثَنا سُفْيانُ: حدَّثَنا عَمْرُو بنُ دِينارٍ، قالَ: أخبرَنِي طاوُسٌ: أنَّهُ سمعَ ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما يَقُولُ: بَلَغَ عُمَرَ أنَّ فُلانًا باعَ خَمْرًا، فَقالَ: قاتَلَ اللهُ فُلانًا، ألَمْ يَعلمْ أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: قاتَلَ اللهُ اليَهُودَ. حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ فَجَمَلُوها فَباعُوها.

427. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "May Allah curse the Jews, for Allāh made fat illegal for them but they sold it and ate its price."

٤٢٧ - حدَّثَنا عَبْدانُ: أخبرَنا عَبْدُ اللهِ: أخبرنا يُونُسُ، عَنِ ابنِ شِهابٍ: سَمِعْتُ سَعِيدَ بنَ المُسَيَّبِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: قاتَلَ اللهُ يَهُودًا.

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(1) This indicates that it is not permissible to sell a thing which is illegal to eat.

CHAPTER. The selling of the pictures of unanimated objects and what is hated from that.

428. Narrated Saʿīd bin Abū Al-Ḥasan: While I was with Ibn ʿAbbās رضي الله عنهما, a man came and said, "O father of ʿAbbās! My sustenance is from my manual profession and I make these pictures." Ibn ʿAbbās said, "I will tell you only what I heard from Allāh's Apostle ﷺ. I heard him saying, 'Whoever makes a picture will be punished by Allāh till he puts life in it, and he will never be able to put life in it.'" Hearing this, that man heaved a sigh and his face turned pale. Ibn ʿAbbās said to him, "What a pity! If you insist on making pictures I advise you to make pictures of trees and any other unanimated objects."

CHAPTER. Trade of alcohol is illegal.

Jābir رضي الله عنه said, "The Prophet ﷺ made the trade of alcohol illegal."

حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ فَبَاعُوهَا وَأَكَلُوا أَثْمَانَهَا. قَالَ أَبُو عَبْدِ اللهِ: قَاتَلَهُمُ اللهُ، لَعَنَهُمْ. قُتِلَ الْخَرَّاصُونَ. لُعِنَ الْخَرَّاصُونَ.

باب بَيْعِ التَّصَاوِيرِ الَّتِي لَيْسَ فِيهَا رُوحٌ، وَمَا يُكْرَهُ مِنْ ذَلِكَ.

٤٢٨ - حَدَّثَنَا عَبْدُ اللهِ بْنُ عَبْدِ الْوَهَّابِ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: أَخْبَرَنَا عَوْفٌ عَنْ سَعِيدِ بْنِ أَبِي الْحَسَنِ قَالَ: كُنْتُ عِنْدَ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا إِذْ أَتَاهُ رَجُلٌ فَقَالَ: يَا أَبَا عَبَّاسٍ، إِنِّي إِنْسَانٌ إِنَّمَا مَعِيشَتِي مِنْ صَنْعَةِ يَدِي، وَإِنِّي أَصْنَعُ هَذِهِ التَّصَاوِيرَ، فَقَالَ ابْنُ عَبَّاسٍ: لَا أُحَدِّثُكَ إِلَّا مَا سَمِعْتُ مِنْ رَسُولِ اللهِ صلى الله عليه وسلم. سَمِعْتُهُ يَقُولُ: مَنْ صَوَّرَ صُورَةً فَإِنَّ اللهَ مُعَذِّبُهُ حَتَّى يَنْفُخَ فِيهَا الرُّوحَ وَلَيْسَ بِنَافِخٍ فِيهَا أَبَدًا. فَرَبَا الرَّجُلُ رَبْوَةً شَدِيدَةً وَاصْفَرَّ وَجْهُهُ. فَقَالَ: وَيْحَكَ إِنْ أَبَيْتَ إِلَّا أَنْ تَصْنَعَ فَعَلَيْكَ بِهَذَا الشَّجَرِ، كُلِّ شَيْءٍ لَيْسَ فِيهِ رُوحٌ. قَالَ أَبُو عَبْدِ اللهِ: سَمِعَ سَعِيدُ بْنُ أَبِي عَرُوبَةَ مِنَ النَّضْرِ ابْنِ أَنَسٍ هَذَا الْوَاحِدَ.

باب تَحْرِيمِ التِّجَارَةِ فِي الْخَمْرِ.

وَقَالَ جَابِرٌ رَضِيَ اللهُ عَنْهُ: حَرَّمَ النَّبِيُّ صلى الله عليه وسلم بَيْعَ الْخَمْرِ.

429. Narrated ʿAisha رضي الله عنها : When the last verses of Sūrat-al-Baqara were revealed, the Prophet ﷺ went out (of his house to the Mosque) and said, "The trade of alcohol has become illegal."

CHAPTER. The sin of him who sells a free man (knowingly and intentionally).

430. Narrated Abū Hurraira رضي الله عنه : The Prophet ﷺ said, "Allāh says, 'I will be against three persons on the Day of Resurrection :—

1. One who promises in My Name and then breaks the promise,
2. One who sells a free man and eats the price,
3. And one who hires a labourer and gets the full work done by him but does not pay him his wages.' "

CHAPTER. The Prophet ﷺ ordered the Jews to sell their land when he drove them out (of Medina)

CHAPTER. The sale of a slave (for a slave) and an animal for an animal on credit. And Ibn ʿUmar bought a Mount (riding camel) for four camels which he promised to deliver at Ar-Rabadha. Ibn ʿAbbās said, "One camel may be better than two."

٤٢٩ ـ حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا شُعْبَةُ، عَنِ الأَعْمَشِ، عَنْ أَبِي الضُّحَى، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا: لَمَّا نَزَلَتْ آيَاتُ سُورَةِ البَقَرَةِ عَنْ آخِرِهَا خَرَجَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فَقَالَ: حُرِّمَتِ التِّجَارَةُ فِي الخَمْرِ.

بابُ إِثْمِ مَنْ بَاعَ حُرًّا.

٤٣٠ ـ حَدَّثَنِي بِشْرُ بْنُ مَرْحُومٍ: حَدَّثَنَا يَحْيَى بْنُ سُلَيْمٍ، عَنْ إِسْمَاعِيلَ ابْنِ أُمَيَّةَ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: قَالَ اللهُ: ثَلاثَةٌ أَنَا خَصْمُهُمْ يَوْمَ القِيَامَةِ: رَجُلٌ أَعْطَى بِي ثُمَّ غَدَرَ. وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثَمَنَهُ. وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِهِ أَجْرَهُ.

بابُ أَمْرِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم اليَهُودَ بِبَيْعِ أَرْضِيهِمْ حِينَ أَجْلاهُمْ. فِيهِ المَقْبُرِيُّ، عَنْ أَبِي هُرَيْرَةَ

بابُ بَيْعِ العَبْدِ وَالحَيَوَانِ بِالحَيَوَانِ نَسِيئَةً. وَاشْتَرَى ابْنُ عُمَرَ رَاحِلَةً بِأَرْبَعَةِ أَبْعِرَةٍ مَضْمُونَةٍ عَلَيْهِ يُوفِيهَا صَاحِبَهَا بِالرَّبَذَةِ. وَقَالَ ابْنُ عَبَّاسٍ: قَدْ يَكُونُ البَعِيرُ خَيْرًا مِنَ البَعِيرَيْنِ. وَاشْتَرَى رَافِعُ بْنُ خَدِيجٍ

Rāfi^c bin K̲hadīj once bought a camel for two camels and he delivered one instantly and said, "Allāh willing, I will bring you the other tomorrow without delay." And said Ibn Al-Musaiyab. "There is no Ribā (in animals) i. e. in selling one camel for two, or one sheep for two sheep on credit."

Ibn Sīrīn said, "There is no harm in selling one camel for two on credit."

بَعِيرًا بِبَعِيرَيْنِ فَأَعْطَاهُ أَحَدَهُمَا ، وَقَالَ آتِيكَ بِالآخَرِ غَدًا رَهْوًا إِنْ شَاءَ اللهُ . وَقَالَ ابْنُ الْمُسَيَّبِ : لَا رِبًا فِي الْحَيَوَانِ ، الْبَعِيرُ بِالْبَعِيرَيْنِ . وَالشَّاةُ بِالشَّاتَيْنِ إِلَى أَجَلٍ . وَقَالَ ابْنُ سِيرِينَ : لَا بَأْسَ بِبَعِيرٍ بِعَيرَيْنِ نَسِيئَةً .

431. Narrated Anas رضي الله عنه : Amongst the war prisoners was Ṣafiya. First she was given to Diḥya Al-Kalbī and then to the Prophet ﷺ . (1)

٤٣١ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ : حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ ، عَنْ ثَابِتٍ ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قَالَ : كَانَ فِي السَّبْيِ صَفِيَّةُ ، فَصَارَتْ إِلَى دِحْيَةَ الْكَلْبِيِّ ، ثُمَّ صَارَتْ إِلَى النَّبِيِّ صلى الله عليه وسلم .

CHAPTER. The sale of slaves.

بَابُ بَيْعِ الرَّقِيقِ .

432. Narrated Abū Sa^cīd Al-K̲hudrī رضي الله عنه that while he was sitting with Allāh's Apostle ﷺ he said, "O Allāh's Apostle! We received our lot of booty of (female) war prisoners and we are interested in their prices, what is your opinion about coitus interruptus?" The Prophet ﷺ asked, "Do you like that? It is better not to do it, for any soul which Allāh has written to live, will surely be coming."

٤٣٢ - حَدَّثَنَا أَبُو الْيَمَانِ : أَخْبَرَنَا شُعَيْبٌ ، عَنِ الزُّهْرِيِّ قَالَ : أَخْبَرَنِي ابْنُ مُحَيْرِزٍ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ رَضِيَ اللهُ عَنْهُ أَخْبَرَهُ : أَنَّهُ بَيْنَمَا هُوَ جَالِسٌ عِنْدَ النَّبِيِّ صلى الله عليه وسلم قَالَ : يَا رَسُولَ اللهِ ، إِنَّا نُصِيبُ سَبْيًا . فَنُحِبُّ الأَثْمَانَ فَكَيْفَ تَرَى فِي الْعَزْلِ ؟ فَقَالَ : أَوَ إِنَّكُمْ تَفْعَلُونَ ذَلِكَ ؟ لَا عَلَيْكُمْ

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(1) When the Prophet ﷺ took Ṣafiya for himself, he told Diḥya to choose another slave girl from among the captives. So, this case is a kind of buying a slave on credit.

أنْ لا تَفْعَلُوا ذَلِكُمْ، فإنَّها لَيْسَتْ نَسَمَةٌ كَتَبَ اللهُ أنْ تَخْرُجَ إلاَّ هِيَ خارِجَةٌ .

CHAPTER. The sale of Mudabbar (i.e. a slave who is promised by his master to be manumitted after the latter's death).

بابُ بَيْعِ المُدَبَّرِ .

433. Narrated Jābir ؓ : The Prophet ﷺ sold a Mudabbar (on behalf of his master who was still living and in need of money).

٤٣٣ ـ حدَّثَنا ابنُ نُمَيْرٍ : حدَّثَنا وكيعٌ : حدَّثَنا إسماعيلُ عَنْ سَلَمَةَ بنِ كُهَيْلٍ ، عَنْ عَطاءٍ ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ : باعَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم المُدَبَّرَ .

434. Narrated Jābir bin ʿAddullāh ؓ : Allāh's Apostle ﷺ sold a Mudabbar.

٤٣٤ ـ حدَّثَنا قُتَيْبَةُ : حدَّثَنا سُفْيانُ عَنْ عَمْرٍو : سَمِعَ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما يَقُولُ : باعَهُ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم .

435. Narrated Zaid bin Khālid and Abū Huraira ؓ that Allāh's Apostle ﷺ was asked about an unmarried slave-girl who committed illegal sexual intercourse. They heard him saying, "Flog (1) her, and if she commits illegal sexual intercourse after that, flog her again, and on the third (or the fourth) offence, sell her." (2)

٤٣٥ ـ حدَّثَني زُهَيْرُ بنُ حَرْبٍ : حدَّثَنا يَعْقُوبُ : حدَّثَنا أبي ، عَنْ صالِحٍ ، قالَ : حدَّثَ ابنُ شِهابٍ أنَّ عُبَيْدَ اللهِ أخْبَرَهُ أنَّ زَيْدَ بنَ خالِدٍ و أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُما أخْبَراهُ أنَّهُما سَمِعا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يُسْأَلُ

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(1) A slave-girl committing illegal sexual intercourse is punished with 50 lashes which are half the lashes given to a free unmarried person. Stoning is not used for slaves committing illegal sexual intercourse.

(2) The narrator is not sure whether the Prophet ﷺ said, "......the third or the fourth offence ......"

عَنِ الأَمَةِ تَزْنِي وَلَمْ تُحْصَنْ. قَالَ: اجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ بِيعُوهَا بَعْدَ الثَّالِثَةِ أَوِ الرَّابِعَةِ.

436. Narrated Abū Huraira ؓ: I heard the Prophet ﷺ saying, "If a slave-girl of yours commits illegal sexual intercourse and her illegal sexual intercourse is proved, she should be lashed, and after that nobody should blame her, and if she commits illegal sexual intercourse the second time, she should be lashed and nobody should blame her after that, and if she does the offence for the third time and her illegal sexual intercourse is proved, she should be sold even for a hair rope."

٤٣٦ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللهِ قَالَ: أَخْبَرَنِي اللَّيْثُ، عَنْ سَعِيدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: سَمِعْتُ النَّبِيَّ صلى الله عليه وسلم يَقُولُ: إِذَا زَنَتْ أَمَةُ أَحَدِكُمْ فَتَبَيَّنَ زِنَاهَا فَلْيَجْلِدْهَا الْحَدَّ وَلَا يُثَرِّبْ عَلَيْهَا، ثُمَّ إِنْ زَنَتْ فَلْيَجْلِدْهَا الْحَدَّ وَلَا يُثَرِّبْ، ثُمَّ إِنْ زَنَتِ الثَّالِثَةَ فَتَبَيَّنَ زِنَاهَا فَلْيَبِعْهَا وَلَوْ بِحَبْلٍ مِنْ شَعَرٍ.

CHAPTER. Can one travel with a slave-girl without knowing whether she is pregnant or not? Al-Hasan found no harm in her master's kissing or fondling with her.

Ibn ʿUmar ؓ said, "If a slave-girl who is suitable to have sexual relations is given to somebody as a gift, or sold or manumitted, her master should not have sexual intercourse with her before she gets one menstruation so as to be sure of absence of pregnancy, and there is no such necessity for a virgin."

ʿAṭā said, "There is no harm in fondling with one's pregnant (1) slave-girl

بَابٌ هَلْ يُسَافِرُ بِالْجَارِيَةِ قَبْلَ أَنْ يَسْتَبْرِئَهَا؟ وَلَمْ يَرَ الْحَسَنُ بَأْسًا أَنْ يُقَبِّلَهَا أَوْ يُبَاشِرَهَا. وَقَالَ ابْنُ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: إِذَا وُهِبَتِ الْوَلِيدَةُ الَّتِي تُوطَأُ أَوْ بِيعَتْ أَوْ عَتَقَتْ فَلْيُسْتَبْرَأْ رَحِمُهَا بِحَيْضَةٍ، وَلَا تُسْتَبْرَأُ الْعَذْرَاءُ. وَقَالَ عَطَاءٌ: لَا بَأْسَ أَنْ يُصِيبَ مِنْ جَارِيَتِهِ الْحَامِلِ مَا دُونَ الْفَرْجِ. وَقَالَ اللهُ تَعَالَى - إِلَّا عَلَى أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ -

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(1) Pregnant from another man, not her present master.

without having sexual intercourse with her. Allāh said :—

> ‘Except with their wives and slave-girls (for in this case they are free from blame).’ (70 : 30)

437. Narrated Anas bin Mālik رضي الله عنه : The Prophet ﷺ came to Khaibar and when Allāh made him victorious and he conquered the town by breaking the enemy's defence, the beauty of Ṣafiya bint Ḥuyai bin Akhṭab was mentioned to him and her husband had been killed while she was a bride. Allāh's Apostle ﷺ selected her for himself and he set out in her company till we reached Sadd-ar-Rawḥā' where her menses were over and he married her. Then Hais (a kind of meal) was prepared and served on a small leather sheet (used for serving meals). Allāh's Apostle ﷺ then said to me, "Inform those who are around you of the wedding banquet." So, this was the marriage banquet for Ṣafiya. After that we started for Medīna and I saw that Allāh's Apostle ﷺ was covering her with a cloak while she was behind him. Then he would sit beside his camel and let Ṣafiya put her feet on his knees to ride (the camel).

٤٣٧ - حَدَّثَنَا عَبْدُ الغَفَّارِ بنُ دَاوُدَ: حَدَّثَنَا يَعْقُوبُ بنُ عَبْدِ الرَّحْمَنِ، عَنْ عَمْرِو بنِ أبي عَمْرٍو، عَنْ أنَسِ ابنِ مَالِكٍ رَضِيَ اللهُ عَنْهُ قَالَ: قَدِمَ النَّبِيُّ صلى اللهُ عليه وسلَّمَ خَيْبَرَ. فَلَمَّا فَتَحَ اللهُ عَلَيْهِ الحِصْنَ ذُكِرَ لَهُ جَمَالُ صَفِيَّةَ بِنْتِ حُيَيِّ بْنِ أخْطَبَ. وَقَدْ قُتِلَ زَوْجُهَا وكانَتْ عَرُوسًا، فاصْطَفَاهَا رَسُولُ اللهِ صلى اللهُ عليه وسلَّمَ لِنَفْسِهِ، فَخَرَجَ بِهَا حَتَّى بَلَغْنَا سَدَّ الرَّوْحَاءِ حَلَّتْ فَبَنَى بِهَا ثُمَّ صَنَعَ حَيْسًا في نِطَعٍ صَغِيرٍ. ثُمَّ قَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّمَ: آذِنْ مَنْ حَوْلَكَ، فَكَانَتْ تِلْكَ وَلِيمَةَ رَسُولِ اللهِ صلى اللهُ عليه وسلَّمَ عَلَى صَفِيَّةَ. ثُمَّ خَرَجْنَا إلى المَدِينَةِ. قَالَ: فَرَأَيْتُ رَسُولَ اللهِ صلى اللهُ عليه وسلَّمَ يُحَوِّي لَهَا وَرَاءَهُ بِعَبَاءَةٍ. ثُمَّ يَجْلِسُ عِنْدَ بَعِيرِهِ فَيَضَعُ رُكْبَتَهُ فَتَضَعُ صَفِيَّةُ رِجْلَهَا عَلَى رُكْبَتِهِ حَتَّى تَرْكَبَ.

CHAPTER. The sale of dead animals and idols.

بابُ بَيْعِ المَيْتَةِ والأصْنامِ.

438. Narrated Jābir bin ʿAbdullāh ؓ : I heard Allāh's Apostle ﷺ , in the year of the Conquest of Mecca, saying, "Allāh and His Apostle made illegal the trade of alcohol, dead animals, pigs and idols." The people asked, "O Allāh's Apostle! What about the fat of dead animals, for it was used for greasing the boats and the hides; and people use it for lights?" * He said, "No, it is illegal." Allāh's Apostle ﷺ further said, "May Allāh curse the Jews, for Allah made the fat (of dead animals) illegal for them, yet they melted the fat and sold it and ate its price."

٤٣٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَطَاءِ ابْنِ أَبِي رَبَاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا: أَنَّهُ سَمِعَ رَسُولَ اللهِ صلى الله عليه وسلَّم يَقُولُ وَهُوَ بِمَكَّةَ عَامَ الْفَتْحِ: إِنَّ اللهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الْخَمْرِ وَالْمَيْتَةِ وَالْخِنْزِيرِ وَالأَصْنَامِ. فَقِيلَ: يَا رَسُولَ اللهِ، أَرَأَيْتَ شُحُومَ الْمَيْتَةِ فَإِنَّهَا يُطْلَى بِهَا السُّفُنُ وَيُدْهَنُ بِهَا الْجُلُودُ. وَيَسْتَصْبِحُ بِهَا النَّاسُ. فَقَالَ: لَا، هُوَ حَرَامٌ ثُمَّ قَالَ رَسُولُ اللهِ صلى الله عليه وسلَّم عِنْدَ ذَلِكَ: قَاتَلَ اللهُ الْيَهُودَ، إِنَّ اللهَ لَمَّا حَرَّمَ شُحُومَهَا جَمَلُوهُ ثُمَّ بَاعُوهُ فَأَكَلُوا ثَمَنَهُ، قَالَ أَبُو عَاصِمٍ: حَدَّثَنَا عَبْدُ الْحَمِيدِ: حَدَّثَنَا يَزِيدُ: كَتَبَ إِلَيَّ عَطَاءٌ: سَمِعْتُ جَابِرًا رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ صلى الله عليه وسلَّم.

CHAPTER. The price of a dog.

بَابُ ثَمَنِ الْكَلْبِ.

439. Narrated Abū Masʿūd Al-Anṣārī ؓ : Allāh's Apostle ﷺ forbade taking the price of a dog, money earned by prostitution and the earnings of a soothsayer.

٤٣٩ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي مَسْعُودٍ الأَنْصَارِيِّ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ صلى الله عليه وسلَّم نَهَى عَنْ ثَمَنِ الْكَلْبِ، وَمَهْرِ الْبَغِيِّ، وَحُلْوَانِ الْكَاهِنِ.

440. Narrated Aun bin Abū Juhaifa : I saw my father buying a slave whose profession was cupping, and ordered that his instruments (of cupping) be broken. I asked him the reason for doing so. He replied, "Allāh's Apostle ﷺ prohibited taking money for blood, the price of a dog, and the earnings of a slave-girl by prostitution ; he cursed her who tattoos and her who gets tattooed, the eater of Ribā, and the maker of pictures."

٤٤٠ ـ حَدَّثَنَا حَجَّاجُ بْنُ مِنْهَالٍ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي عَوْنُ بْنُ أَبِي جُحَيْفَةَ قَالَ: رَأَيْتُ أَبِي اشْتَرَى حَجَّامًا فَأَمَرَ بِمَحَاجِمِهِ فَكُسِرَتْ فَسَأَلْتُهُ عَنْ ذَلِكَ، فَقَالَ: إِنَّ رَسُولَ اللهِ صلى الله عليه وسلم نَهَى عَنْ ثَمَنِ الدَّمِ، وَثَمَنِ الْكَلْبِ. وَكَسْبِ الأَمَةِ. وَلَعَنَ الْوَاشِمَةَ وَالْمُسْتَوْشِمَةَ، وَآكِلَ الرِّبَا وَمُوكِلَهُ وَلَعَنَ الْمُصَوِّرَ.

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF AS-SALAM :

(A sale in which the price is paid at once for goods to be delivered later.)

CHAPTER. Salam by a definite specified measure.

441. Narrated Ibn ʿAbbās رضي الله عنهما : Allāh's Apostle ﷺ came to Medīna and the people used to pay in advance the price of fruits to be delivered within one or two years. (The sub-narrator is in doubt whether it was one to two years or two to three years.) The Prophet ﷺ said, " Whoever pays money in advance for dates (to be delivered later) should pay it for known specified weight and measure (of the dates)."

442. Narrated Ibn Abī Najīḥ as above, mentioning only specific measure.

CHAPTER. Salam for a known specified weight.

443. Narrated Ibn ʿAbbās رضي الله عنهما :

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

كتاب السلم

بابُ السَّلَمِ فى كَيْلٍ مَعْلُومٍ .

٤٤١ ـ حدَّثَنا عَمْرُو بنُ زُرَارَةَ : أخْبَرَنا إسْماعِيلُ بنُ عُلَيَّةَ : أخْبَرَنا ابنُ أبى نَجِيحٍ ، عَنْ عَبْدِ اللهِ بنِ كَثِيرٍ ، عَنْ أبى المِنْهالِ ، عَنِ ابنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما قالَ : قَدِمَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ المَدِينَةَ والنَّاسُ يُسْلِفُونَ فى الثَّمَرِ العامَ والعامَينِ ، أوْ قالَ : عامَينِ أوْ ثَلاثَةً ، شَكَّ إسْماعِيلُ ، فقالَ : مَنْ سَلَّفَ فى تَمْرٍ فَلْيُسْلِفْ فى كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ .

٤٤٢ ـ حدَّثَنا مُحَمَّدٌ . أخْبَرَنا إسْماعِيلُ ، عَنِ ابنِ أبى نَجِيحٍ بِهَذَا : فى كَيْلٍ مَعْلُومٍ .

بابُ السَّلَمِ فى وَزْنٍ مَعْلُومٍ .

٤٤٣ ـ حدَّثَنا صَدَقَةُ : أخْبَرَنا

The Prophet ﷺ came to Medina and the people used to pay in advance the price of dates to be delivered within two or three years. He said (to them), "Whoever pays in advance the price of a thing to be delivered later should pay it for a specified measure at specified weight for a specified period."

444. Narrated Ibn Abi Najih as above, saying, "He should pay the price in advance for a specified measure and for a specified period."

445. Narrated Ibn ʿAbbas رضي الله عنهما : The Prophet ﷺ came (to Medina) and he told the people (regarding the payment of money in advance that they should pay it) for a known specified measure and a known specified weight and a known specified period.

446. Narrated Shuʿba: Muhammad or ʿAbdullah bin Abu Al-Mujalid said, "ʿAbdullah bin Shaddad and Abu Burda differed regarding As-Salam, so they sent me to Ibn Abi Aufa رضي الله عنه and I asked him about it. He replied, 'In the life-time of Allah's Apostle ﷺ, Abu Bakr and ʿUmar, we used to pay in advance the prices of wheat, barley, dried grapes and

ابنُ عُيَيْنَةَ: أخْبَرَنا ابنُ أبى نَجِيحٍ، عَنْ عَبْدِ اللهِ بنِ كَثِيرٍ، عَنْ أبى المِنْهالِ، عَنِ ابنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما قالَ: قَدِمَ النَّبِىُّ صلى اللهُ عليهِ وسلَّمَ المَدِينَةَ وَهُمْ يُسْلِفُونَ بالتَّمْرِ السَّنَتَيْنِ والثَّلاثَ، فَقالَ: مَنْ أسْلَفَ فى شَىْءٍ فَفِى كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ إلى أجَلٍ مَعْلُومٍ.

٤٤٤ ـ حدَّثَنا عَلِىٌّ: حدَّثَنا سُفْيانُ قالَ: حدَّثَنِى ابنُ نَجِيحٍ وَقالَ: فَلْيُسْلِفْ فى كَيْلٍ مَعْلُومٍ إلى أجَلٍ مَعْلُومٍ.

٤٤٥ ـ حدَّثَنا قُتَيْبَةُ: حدَّثَنا سُفْيانُ، عَنِ ابنِ أبى نَجِيحٍ، عَنْ عَبْدِ اللهِ ابنِ كَثِيرٍ، عَنْ أبى المِنهالِ قالَ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما يَقُولُ: قَدِمَ النَّبِىُّ صلى اللهُ عليهِ وسلَّمَ وَقالَ: فى كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ إلى أجَلٍ مَعْلُومٍ.

٤٤٦ ـ حدَّثَنا أبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ، عَنِ ابنِ أبى المُجالِدِ ح وحدَّثَنا يَحْيَى: حدَّثَنا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ مُحَمَّدِ بنِ أبى المُجالِدِ: حدَّثَنا حَفْصُ بنُ عُمَرَ: حدَّثَنا شُعْبَةُ قالَ: أخْبَرَنِى مُحَمَّدٌ أوْ عَبْدُ اللهِ بنُ أبى المُجالِدِ، قالَ: اخْتَلَفَ عَبْدُ اللهِ بنُ

dates to be delivered later. I also asked Ibn Abzā and he, too, replied as above.' "

CHAPTER. Salam to a person who has got nothing (to pay for the prices he receives in advance).

447. Narrated Muḥammad bin Al-Mujālid: ʿAbdullāh bin Shaddād and Abū Burda sent me to ʿAbdullāh bin Abī Aufā رضي الله عنه and told me to ask ʿAbdullāh whether the people in the life-time of the Prophet ﷺ used to pay in advance for wheat (to be delivered later). ʿAbdullāh replied, "We used to pay in advance to the peasants of Sham for wheat, barley and olive oil of a known specified measure to be delivered in a specified period." I asked (him), "Was the price paid (in advance) to those who had the things to be delivered later?" ʿAbdullāh bin Aufā replied, "We did not use to ask them about that." Then they sent me to ʿAbdur Raḥmān bin Abzā and I asked him. He replied, "The companions of the Prophet ﷺ used to practice Salam in the life-time of the Prophet ﷺ and we did not use to ask them whether they had standing crops or not."

448. Narrated Muḥammad bin Abī

شَدَّادٍ وَأَبُو بُرْدَةَ فِي السَّلَفِ فَبَعَثُونِي إِلَى ابْنِ أَبِي أَوْفَى رَضِيَ اللهُ عَنْهُ فَسَأَلْتُهُ فَقَالَ: إِنَّا كُنَّا نُسْلِفُ عَلَى عَهْدِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ وَأَبِي بَكْرٍ وَعُمَرَ فِي الحِنْطَةِ وَالشَّعِيرِ وَالزَّبِيبِ وَالتَّمْرِ. وَسَأَلْتُ ابْنَ أَبْزَى فَقَالَ مِثْلَ ذَلِكَ.

باب السَّلَمِ إِلَى مَنْ لَيْسَ عِنْدَهُ أَصْلٌ.

٤٤٧ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الوَاحِدِ: حَدَّثَنَا الشَّيْبَانِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي المُجَالِدِ قَالَ: بَعَثَنِي عَبْدُ اللهِ بْنُ شَدَّادٍ وَأَبُو بُرْدَةَ إِلَى عَبْدِ اللهِ بْنِ أَبِي أَوْفَى رَضِيَ اللهُ عَنْهُمَا فَقَالا: سَلْهُ هَلْ كَانَ أَصْحَابُ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ فِي عَهْدِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ يُسْلِفُونَ فِي الحِنْطَةِ؟ فَقَالَ عَبْدُ اللهِ: كُنَّا نُسْلِفُ نَبِيطَ أَهْلِ الشَّأْمِ فِي الحِنْطَةِ وَالشَّعِيرِ وَالزَّيْتِ، فِي كَيْلٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ. قُلْتُ: إِلَى مَنْ كَانَ أَصْلُهُ عِنْدَهُ؟ قَالَ: مَا كُنَّا نَسْأَلُهُمْ عَنْ ذَلِكَ. ثُمَّ بَعَثَانِي إِلَى عَبْدِ الرَّحْمَنِ ابْنِ أَبْزَى. فَسَأَلْتُهُ فَقَالَ: كَانَ أَصْحَابُ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ يُسْلِفُونَ عَلَى عَهْدِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ وَلَمْ نَسْأَلْهُمْ: أَلَهُمْ حَرْثٌ أَمْ لا؟

٤٤٨ - حَدَّثَنَا إِسْحَاقُ: حَدَّثَنَا

Al-Mujālid as above (446) and said, "We used to pay them in advance for wheat and barley (to be delivered later)."

Narrated ᶜAbdullāh bin Al-Walīd from Sufyān from Ash-Shaibānī who said, "And also for oil."

449. Narrated Qutaiba from Jarīr from Ash-Shaibānī who said, "For wheat, barley and dried grapes."

450. Narrated Abū Bakhtarī Aṭ-Ṭāī: I asked Ibn ᶜAbbās رضي الله عنهما about Salam for (the fruits of) date-palms. He replied, "The Prophet ﷺ forbade the sale of dates on the trees till they became fit for eating and could be weighed." A man asked what to be weighed (as the dates were still on the trees). Another man sitting beside Ibn ᶜAbbās replied, "Till they are cut and stored." (1)

Narrated Abū Al-Bakhtarī: I heard Ibn ᶜAbbās رضي الله عنهما (saying) that the Prophet ﷺ forbade ...... etc. as above.

CHAPTER. As-Salam for (the fruits of) date-palms.

451. Narrated Abū Al-Bakhtarī: I asked Ibn ᶜUmar رضي الله عنهما about Salam for

خَالِدُ بنُ عَبْدِ اللهِ، عَنِ الشَّيْبَانِىِّ، عَنْ مُحَمَّدِ بنِ أبى مُجَالِدٍ بِهَذَا. وَقَالَ: فَنُسْلِفُهُمْ فى الحِنْطَةِ والشَّعِيرِ. وَقَالَ عَبْدُ اللهِ بنُ الوَلِيدِ، عَنْ سُفْيَانَ: حَدَّثَنَا الشَّيْبَانِى وَقَالَ: والزَّيْتِ.

٤٤٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ، عَنِ الشَّيْبَانِىِّ وَقَالَ: فى الحِنْطَةِ والشَّعِيرِ والزَّبِيبِ.

٤٥٠ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنَا عَمْرٌو قَالَ: سَمِعْتُ أبا البَخْتَرِىَّ الطَّائِىَّ قَالَ: سَأَلْتُ ابنَ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا عَنِ السَّلَمِ فى النَّخْلِ، قَالَ: نَهَى النَّبِىُّ صلى اللهُ عليهِ وسلَّمَ عَنْ بَيْعِ النَّخْلِ حَتَّى يُؤْكَلَ مِنْهُ وحَتَّى يُوزَنَ. فَقَالَ رَجُلٌ: ما يُوزَنُ؟ فَقَالَ لَهُ رَجُلٌ إلى جانِبِهِ: حَتَّى يُحْرَزَ. وَقَالَ مُعَاذٌ: حَدَّثَنَا شُعْبَةُ، عَنْ عَمْرٍو قَالَ أبُو البَخْتَرِىِّ: سَمِعْتُ ابنَ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا: نَهَى النَّبِىُّ صلى اللهُ عليهِ وسلَّمَ مِثْلَهُ.

بابُ السَّلَمِ فى النَّخْلِ.

٤٥١ - حَدَّثَنَا أبُو الوَلِيدِ: حَدَّثَنَا شُعْبَةُ، عَنْ عَمْرٍو، عَنْ أبى البَخْتَرِىِّ

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(1) In some narrations occurs 'Till they could be estimated (while still on the trees).'

(the fruits of) date-palms. He replied, "The Prophet ﷺ forbade the sale of dates till their benefit becomes evident and fit for eating and also the sale of silver (for gold) on credit." I asked Ibn ʿAbbās about Salam for dates and he replied, "The Prophet ﷺ forbade the sale of dates till they were fit for eating and could be estimated."

قالَ: سألْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ السَّلَمِ فى النَّخْلِ، فقالَ: نُهِيَ عَنْ بَيْعِ النَّخْلِ حتَّى يَصْلُحَ وَعَنْ بَيْعِ الوَرِقِ نَساءً بِناجِزٍ. وَسألْتُ ابنَ عَبَّاسٍ عَنِ السَّلَمِ فى النَّخْلِ فقالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ عَنْ بَيْعِ النَّخْلِ حتَّى يُؤْكَلَ مِنْهُ، أوْ يأْكُلَ مِنْهُ، وَحتَّى يُوزَنَ.

452. Narrated Abū Al-Bakhtarī: I asked Ibn ʿUmar رضي الله عنهما about Salam for dates. Ibn ʿUmar replied, "The Prophet ﷺ forbade the sale (the fruits) of date-palms until they were fit for eating and also forbade the sale of silver for gold on credit." I also asked Ibn ʿAbbās about it. Ibn ʿAbbās replied, "The Prophet ﷺ forbade the sale of dates till they were fit for eating, and could be weighed." I asked him, "What is to be weighed (as the dates are on the trees)?" A man sitting by Ibn ʿAbbās said, "It means till they are cut and stored."

٤٥٢ ـ حدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثَنا غُنْدَرٌ: حدَّثَنا شُعْبَةُ، عَنْ عَمْرٍو، عَنْ أبي البَخْتَرِيِّ: سألْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما عَنِ السَّلَمِ فى النَّخْلِ، فقالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ عَنْ بَيْعِ الثَّمَرِ حتَّى يَصْلُحَ. وَنَهَى عَنِ الوَرِقِ بالذَّهَبِ نَساءً بِناجِزٍ. وسألْتُ ابنَ عَبَّاسٍ فقالَ: نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ عَنْ بَيْعِ النَّخْلِ حتَّى يأكُلَ أوْ يُؤْكَلَ، وحتَّى يُوزَنَ. قُلْتُ: وَما يُوزَنُ؟ قالَ رَجُلٌ عِنْدَهُ: حتَّى يُحْرَزَ.

CHAPTER. The guarantor in Salam.

بابُ الكَفِيلِ فى السَّلَمِ.

453. Narrated ʿAisha رضي الله عنها: Allāh's Apostle ﷺ bought some foodstuff (barley) from a Jew on credit and mortgaged his iron armour to him (the armour stands for a guarantor).

٤٥٣ ـ حدَّثَني مُحَمَّدُ بنُ سَلامٍ: حدَّثَنا يَعْلَى: حدَّثَنا الأعْمَشُ، عَنْ إبْراهِيمَ، عَنِ الأسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: اشْتَرَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ طَعامًا مِنْ يَهُودِيّ

454. Narrated Al-Aᶜmash: We argued at Ibrāhīm's dwelling place about mortgaging in Salam. He said, "ᶜAisha رضي الله عنها said, 'The Prophet ﷺ bought some foodstuff from a Jew on credit and the payment was to be made by a definite period, and he mortgaged his iron armour to him.' "

CHAPTER. Salam for a fixed specified period.

Ibn ᶜAbbās, Abu Saᶜīd, Al-Aswad and Al-Ḥasan permitted it. Ibn ᶜUmar said, "There is no harm in buying foodstuff to be delivered within a specified period at a fixed price provided that it is not standing crops that have not yet become ripe and free from blights and diseases."

455. Narrated Ibn ᶜAbbās رضي الله عنهما: The Prophet ﷺ came to Medina and the people used to pay in advance the prices of fruits to be delivered within two to three years. The Prophet ﷺ said (to them), "Buy fruits by paying their prices in advance on condition that the fruits are to be delivered to you according to a fixed specified measure within a fixed specified period." Ibn Najīḥ said, "...... by specified measure and specified weight."

بِنَسِيئَةٍ وَرَهَنَهُ دِرْعًا لَهُ مِنْ حَدِيدٍ .

بَابُ الرَّهْنِ فِى السَّلَمِ .

٤٥٤ ـ حَدَّثَنِى مُحَمَّدُ بْنُ مَحْبُوبٍ : حَدَّثَنَا عَبْدُ الْوَاحِدِ : حَدَّثَنَا الْأَعْمَشُ قَالَ : تَذَاكَرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنَ فِى السَّلَفِ ، فَقَالَ : حَدَّثَنِى الْأَسْوَدُ ، عَنْ عَائِشَةَ رَضِىَ اللهُ عَنْهَا : أَنَّ النَّبِىَّ صلى اللهُ عليه وسلَّمَ اشْتَرَى مِنْ يَهُودِىٍّ طَعَامًا إِلَى أَجَلٍ مَعْلُومٍ وَارْتَهَنَ مِنْهُ دِرْعًا مِنْ حَدِيدٍ .

بَابُ السَّلَمِ إِلَى أَجَلٍ مَعْلُومٍ ،

وَبِهِ قَالَ ابْنُ عَبَّاسٍ وَأَبُو سَعِيدٍ وَالْأَسْوَدُ وَالْحَسَنُ . وَقَالَ ابْنُ عُمَرَ : لَا بَأْسَ فِى الطَّعَامِ الْمَوْصُوفِ بِسِعْرٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ ، مَا لَمْ يَكُنْ ذَلِكَ فِى زَرْعٍ لَمْ يَبْدُ صَلَاحُهُ .

٤٥٥ ـ حَدَّثَنَا أَبُو نُعَيْمٍ : حَدَّثَنَا سُفْيَانُ ، عَنِ ابْنِ أَبِى نَجِيحٍ ، عَنْ عَبْدِ اللهِ ابْنِ كَثِيرٍ ، عَنْ أَبِى الْمِنْهَالِ ، عَنِ ابْنِ عَبَّاسٍ رَضِىَ اللهُ عَنْهُمَا قَالَ : قَدِمَ النَّبِىُّ صلى اللهُ عليه وسلَّمَ الْمَدِينَةَ وَهُمْ يُسْلِفُونَ فِى الثِّمَارِ السَّنَتَيْنِ وَالثَّلَاثَ ، فَقَالَ : أَسْلِفُوا فِى الثِّمَارِ فِى كَيْلٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ . وَقَالَ عَبْدُ اللهِ بْنُ

الوَلِيدِ: حدَّثنا سُفْيانُ: حدَّثنا ابنُ أبي نَجِيحٍ، وَقالَ: في كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ.

456. Narrated Muḥammad bin Abū Al-Mujālid: Abū Burda and ʿAbdullāh bin Shaddād sent me to ʿAbdur Raḥmān bin Abzā and ʿAbdullāh bin Abī Aufā to ask them about the Salaf (Salam). They said, "We used to get war booty while we were with Allāh's Apostle ﷺ and when the peasants of Shāʾm came to us we used to pay them in advance for wheat, barley, and oil to be delivered within a fixed period." I asked them, "Did the peasants own standing crops or not?" They replied, "We never asked them about it."

٤٥٦ ـ حدَّثنا مُحمَّدُ بنُ مُقاتِلٍ: أخبرَنا عَبْدُ اللهِ: أخبرَنا سُفْيانُ، عَنْ سُلَيْمانَ الشَّيْبانيِّ، عَنْ مُحمَّدِ بنِ أبي المُجالِدِ قالَ: أرْسَلَني أبُو بُرْدَةَ و عَبْدُ اللهِ بنُ شَدَّادٍ إلى عَبْدِ الرَّحْمَنِ ابنِ أبْزَى و عَبْدِ اللهِ بنِ أبي أوْفَى، فَسألْتُهُما عَنِ السَّلَفِ، فقالا: كُنَّا نُصِيبُ المَغانِمَ مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ فَكانَ يأْتِينا أنْباطٌ مِنْ أنْباطِ الشَّأمِ فَنُسْلِفُهُمْ في الحِنْطَةِ والشَّعِيرِ والزَّيْتِ إلى أجَلٍ مُسَمًّى، قالَ: قُلْتُ: أكانَ لَهُمْ زَرْعٌ أوْ لَمْ يَكُنْ لَهُمْ زَرْعٌ؟ قالا: ما كُنَّا نَسْألُهُمْ عَنْ ذَلكَ.

CHAPTER. Salam in buying a she-camel to be delivered after it has given birth.

بابُ السَّلَمِ إلى أنْ تُنْتَجَ النَّاقَةُ.

457. Narrated ʿAbdullāh ؓ: The people used to sell camels on the basis of Ḥabal-al-Ḥabala. (1) The Prophet ﷺ forbade such sale. Nāfiʿ explained Ḥabal-al-Ḥabala by saying. "The camel is to be delivered to the buyer after the she-camel gives birth."

٤٥٧ ـ حدَّثنا مُوسَى بنُ إسْماعِيلَ: أخبرَنا جُوَيْرِيَةُ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: كانُوا يَتَبايَعُونَ الجَزُورَ إلى حَبَلِ الحَبَلَةِ، فَنَهَى النَّبيُّ صلى اللهُ عليهِ وسلَّمَ عَنْهُ، فَسَّرَهُ نافعٌ إلى أنْ تُنْتَجَ النَّاقَةُ ما في بَطْنِها.

(1) See the glossary.

THE BOOK OF PRE-EMPTION

In the name of Allāh,
the most Beneficent, the most Merciful

As-Salam in Ash-Shufᶜa (pre-emption)

CHAPTER. Shufᶜa (pre-emption) is valid if the property is undivided, but if the limits become defined, then there is no pre-emption.

458. Narrated Jābir bin ᶜAbdullāh رضي الله عنه : Allāh's Apostle ﷺ gave a verdict regarding Shufᶜa in every undivided joint thing (property). But if the limits are defined (or demarcated) or the ways and streets are fixed, then there is no pre-emption.

CHAPTER. The partner should inform his partner, who has the right of pre-emption, of his intention to sell his share before selling it. Al-Ḥakam said, "If the pre-emptor allows his partner to sell before selling, then he has no pre-emption any more." Ash-Shaᶜbi said, "If the pre-emptor witnesses the sale of what he has the right to buy by pre-emption and does

كتاب الشفعة

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

السَّلَمُ فى الشُّفْعَةِ

بابُ الشُّفْعَةِ ما لَمْ يُقْسَمْ. فإذا وَقَعَتِ الحُدُودُ فَلا شُفْعَةَ.

٤٥٨ ـ حدَّثنا مُسَدَّدٌ: حدَّثنا عَبْدُ الواحِدِ: حدَّثنا مَعْمَرٌ، عَنِ الزُّهرِيِّ، عَنْ أبي سَلَمَةَ بن عَبْدِ الرَّحمنِ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: قَضَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ بالشُّفْعَةِ فى كُلِّ ما لَمْ يُقْسَمْ، فإذا وَقَعَتِ الحُدُودُ، وَصُرِّفَتِ الطُّرُقُ، فَلا شُفْعَةَ.

بابُ عَرْضِ الشُّفْعَةِ عَلَى صاحِبِها قَبْلَ البَيْعِ. وَقالَ الحَكَمُ: إذا أذِنَ لَهُ قَبْلَ البَيْعِ فَلا شُفْعَةَ لَهُ. وَقالَ الشَّعْبِيُّ: مَنْ بِيعَتْ شُفْعَتُهُ وَهُوَ شاهِدٌ لا يُغَيِّرُها فَلا شُفْعَةَ لَهُ.

not object to that sale, he loses the right of pre-emption."

459. Narrated ᶜAmr bin Ash-Sharīd : While I was standing with Saᶜd bin Abī Waqqas, Al-Miswar bin Makhrama came and put his hand on my shoulder. Meanwhile Abū Rāfiᶜ, the freed slave of the Prophet ﷺ came and asked Saᶜd to buy from him the (two) dwellings which were in his house. Saᶜd said, "By Allāh I will not buy them." Al-Miswar said, "By Allāh, you shall buy them." Saᶜd replied, "By Allāh, I will not pay more than four-thousand (Dirhams) by instalments." Abū Rāfiᶜ said, "I have been offered five-hundred Dīnārs (for it) and had I not heard the Prophet ﷺ saying, 'The neighbour has more right than anyone else because of his nearness, I would not give them to you for four-thousand (Dirhams) while I am offered five-hundred Dīnārs (one Dīnār eqnals ten Dirhams) for them." So, he sold it to Sa d.

CHAPTER. Who is considered as the nearer neighbour ?

460. Narrated ᶜAisha رضي الله عنها : I said, "O Allāh's Apostle ! I have two neighbours and would like to know to which of them I should give presents." He replied, "To the one whose door is nearer to you."

٤٥٩ - حَدَّثَنَا المَكِّيُّ بنُ إِبْرَاهِيمَ : أَخْبَرَنَا ابنُ جُرَيْجٍ : أَخْبَرَنِي إِبْرَاهِيمُ ابنُ مَيْسَرَةَ ، عَنْ عَمْرِو بنِ الشَّرِيدِ قَالَ : وَقَفْتُ عَلَى سَعْدِ بنِ أَبِي وَقَّاصٍ فَجَاءَ المِسْوَرُ بنُ مَخْرَمَةَ فَوَضَعَ يَدَهُ عَلَى إِحْدَى مَنْكِبَيَّ إِذْ جَاءَ أَبُو رَافِعٍ مَوْلَى النَّبِيِّ صلى اللهُ عليه وسلَّمَ فَقَالَ : يا سَعْدُ ابْتَعْ مِنِّي بَيْتَيَّ فِي دَارِكَ ، فَقَالَ سَعْدٌ : وَاللهِ مَا أَبْتَاعُهُمَا ، فَقَالَ المِسْوَرُ : وَاللهِ لَتَبْتَاعَنَّهُمَا . فَقَالَ سَعْدٌ : وَاللهِ لا أَزِيدُكَ عَلَى أَرْبَعَةِ آلافٍ مُنَجَّمَةً أَوْ مُقَطَّعَةً . قَالَ أَبُو رَافِعٍ : لَقَدْ أُعْطِيتُ خَمْسَمِائَةِ دِينَارٍ ، وَلَوْلا أَنِّي سَمِعْتُ النَّبِيَّ صلى اللهُ عليه وسلَّمَ يَقُولُ : الجَارُ أَحَقُّ بِسَقَبِهِ مَا أَعْطَيْتُكَهَا بِأَرْبَعَةِ آلافٍ وَأَنَا أُعْطَى بِهَا خَمْسَمِائَةِ دِينَارٍ ، فَأَعْطَاهَا إِيَّاهُ .

بابٌ أَيُّ الجِوَارِ أَقْرَبُ ؟

٤٦٠ - حَدَّثَنَا حَجَّاجٌ : حَدَّثَنَا شُعْبَةُ ح وَحَدَّثَنَا عَلِيٌّ : حَدَّثَنَا شَبَابَةُ : حَدَّثَنَا شُعْبَةُ : حَدَّثَنَا أَبُو عِمْرَانَ قَالَ : سَمِعْتُ طَلْحَةَ بنَ عَبْدِ اللهِ عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قُلْتُ : يا رَسُولَ اللهِ ، إِنَّ لِي جَارَيْنِ فَإِلَى أَيِّهِمَا أُهْدِي ؟ قَالَ : إِلَى أَقْرَبِهِمَا مِنْكَ بَابًا .

THE BOOK OF HIRING

In the name of Allāh,
the most Beneficent, the most Merciful

Concerning Hiring

CHAPTER. To hire a pious man. The Statement of Allāh ﷻ :—

> '(No doubt) the best that you hire, is the powerful and the honest.' (28 : 26)

(And what is said about) the honest treasurer, and the person who does not employ one who is in earnest pursuit of a position.

461. Narrated Abū Mūsā Al-Ash'arī ؓ : The Prophet ﷺ said, "The honest treasurer who gives willingly what he was ordered to give is one of the two charitable persons, (the second being the owner)."

462. Narrated Abū Mūsā ؓ : I went to the Prophet ﷺ with two men from Ash'arī tribe. I said (to the Prophet ﷺ), "I do not know that they want employment." The Prophet ﷺ said, "No, we do not appoint for our jobs anybody who demands it earnestly."

كتاب الاجارة

فى الاجاراتِ

بابٌ اسْتِئْجارِ الرَّجُلِ الصَّالِحِ. وَقَوْلِ اللهِ تَعالى - إنَّ خَيْرَ مَنِ اسْتَأْجَرْتَ القَوِيُّ الأَمِينُ - والخازِنُ الأَمِينُ وَمَنْ لَمْ يَسْتَعْمِلْ مَنْ أَرَادَهُ.

٤٦١ - حدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا سُفْيانُ، عَنْ أبي بُرْدَةَ قالَ: أخْبَرَني جَدّي أبُو بُرْدَةَ، عَنْ أبيهِ أبي مُوسَى الأشْعَرِيِّ رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: الخازِنُ الأمِينُ الذي يُؤَدِّي ما أُمِرَ بِهِ طَيِّبَةً نَفْسُهُ أحَدُ المُتَصَدِّقَيْنِ.

٤٦٢ - حدَّثَنا مُسَدَّدٌ: حدَّثَنا يَحْيَى، عَنْ قُرَّةَ بنِ خالِدٍ قالَ: حدَّثَني حُمَيْدُ بنُ هِلالٍ: حدَّثَنا أبو بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ قالَ: أقْبَلْتُ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم و

مَعِي رَجُلانِ مِنَ الأَشْعَرِيِّينَ فَقُلْتُ: ما عَلِمْتُ أَنَّهُما يَطْلُبانِ العَمَلَ، قالَ: لَنْ، أَوْ لا نَسْتَعْمِلُ عَلى عَمَلِنا مَنْ أَرادَهُ.

CHAPTER. To shepherd sheep for Qirāts. (1)

بابُ رَعْيِ الغَنَمِ عَلى قَرارِيطَ.

463. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "Allāh did not send any prophet but shepherded sheep." His companions asked him, "Did you do the same?" The Prophet ﷺ replied, "Yes, I used to shepherd the sheep of the people of Mecca for some Qirāts."

٤٦٣ - حَدَّثَنا أَحْمَدُ بْنُ مُحَمَّدٍ المَكِّيُّ: حَدَّثَنا عَمْرُو بْنُ يَحْيَى، عَنْ جَدِّهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ قالَ: ما بَعَثَ اللهُ نَبِيًّا إِلاَّ رَعَى الغَنَمَ. فَقالَ أَصْحابُهُ: وَأَنْتَ؟ فَقالَ: نَعَمْ، كُنْتُ أَرْعاها عَلى قَرارِيطَ لأَهْلِ مَكَّةَ.

CHAPTER. The emloyment of pagans (by Muslims) if necessary, or if no Muslim is available for that purpose. And the Prophet ﷺ employed the Jews of Khaibar (for the purpose of land irrigation.)

بابُ اسْتِئْجارِ المُشْرِكِينَ عِنْدَ الضَّرُورَةِ، أَوْ إِذا لَمْ يُوجَدْ أَهْلُ الإِسْلامِ. وَعامَلَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ يَهُودَ خَيْبَرَ.

464. Narrated ʿĀisha رضي الله عنها: The Prophet ﷺ and Abu Bakr employed a (pagan) man from the tribe of Banī Ad-Dail and the tribe of Banī ʿAbd bin ʿAdī as a guide. He was an expert guide and he broke the oath contract which he had to abide by with the tribe of Al-ʿĀsi bin Waʾil and he was on the religion of Quraish pagans. The Prophet ﷺ and Abū Bakr had confidence in him and gave him their riding camels and told him to bring

٤٦٤ - حَدَّثَنا إِبْراهِيمُ بْنُ مُوسَى: أَخْبَرَنا هِشامٌ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها: وَاسْتَأْجَرَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ وَأَبُو بَكْرٍ رَجُلاً مِنْ بَنِي الدِّيلِ، ثُمَّ مِنْ بَنِي عَبْدِ بْنِ عَدِيٍّ هادِيًا، المَاهِرُ بِالهِدايَةِ، قَدْ غَمَسَ يَمِينَ حِلْفٍ فى آلِ العاصِي بْنِ وائِلٍ،

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(1) One Qirāt: Equals 1/2 Daniq and one Daniq equals: 1/6th of Dirharm.

them to the Cave of Thaur after three days. So, he brought them their two riding camels after three days and both of them (The Prophet ﷺ and Abū Bakr) set out accompanied by ʿĀmir bin Fuhaira and the Dīlī guide who guided them below Mecca along the road leading to the sea-shore.

CHAPTER. It is legal if somebody hires some-one to work for him after three days or after one month or after a year. When that period elapses they should carry out their contract.

465. Narrated ʿĀisha رضي الله عنها, the wife of the Prophet ﷺ: Allāh's Apostle ﷺ and Abū Bakr hired a man from the tribe of Banī-Ad-Dil as an expert guide who was a believer of the religion of the pagans of Quraish. The Prophet ﷺ and Abū Bakr gave him their two riding camels and took a promise from him to bring their riding camels in the morning of the third day to the Cave of Thaur.

CHAPTER. Employing labourers for services in Holy battles.

46. Narrated Yaʿlā bin Umaya رضي الله عنه: I fought in Jaish-al-ʿUsra (Ghazwa of Tabūk) along with the Prophet ﷺ and in my opinion that was the best of my

وَهُوَ عَلَى دِينِ كُفَّارِ قُرَيْشٍ، فَأَمِنَاهُ. فَدَفَعَا إِلَيْهِ رَاحِلَتَيْهِمَا وَأَوْعَدَاهُ غَارَ ثَوْرٍ بَعْدَ ثَلَاثِ لَيَالٍ. فَأَتَاهُمَا بِرَاحِلَتَيْهِمَا صَبِيحَةَ لَيَالٍ ثَلَاثٍ فَارْتَحَلَا وَانْطَلَقَ مَعَهُمَا عَامِرُ بْنُ فُهَيْرَةَ وَالدَّلِيلُ الدِّيلِيُّ، فَأَخَذَ بِهِمْ أَسْفَلَ مَكَّةَ وَهُوَ طَرِيقُ السَّاحِلِ.

بَابٌ إِذَا اسْتَأْجَرَ أَجِيرًا لِيَعْمَلَ لَهُ بَعْدَ ثَلَاثَةِ أَيَّامٍ، أَوْ بَعْدَ شَهْرٍ، أَوْ بَعْدَ سَنَةٍ جَازَ، وَهُمَا عَلَى شَرْطِهِمَا الَّذِي اشْتَرَطَاهُ إِذَا جَاءَ الْأَجَلُ.

٤٦٥ ـ حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ: قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قَالَتْ: وَاسْتَأْجَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم وَأَبُو بَكْرٍ رَجُلًا مِنْ بَنِي الدِّيلِ هَادِيًا خِرِّيتًا وَهُوَ عَلَى دِينِ كُفَّارِ قُرَيْشٍ، فَدَفَعَا إِلَيْهِ رَاحِلَتَيْهِمَا وَوَعَدَاهُ غَارَ ثَوْرٍ بَعْدَ ثَلَاثِ لَيَالٍ بِرَاحِلَتَيْهِمَا صُبْحَ ثَلَاثٍ.

بَابُ الْأَجِيرِ فِي الْغَزْوِ.

٤٦٦ ـ حَدَّثَنِي يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي عَطَاءٌ، عَنْ صَفْوَانَ

deeds. Then I had an employee, who quarrelled with someone and one of them bit and cut the other's finger and caused his own tooth to fall out. He then went to the Prophet ﷺ (with a campIaint) but the Prophet ﷺ cancelled the suit and said to the complainant, "Did you expect him to let his finger in your mouth so that you might snap and cut it (as does a he-camel)?"

Narrated Ibn Juraij from ʿAbdullāh bin Abū Mulaika from his grandfather a similar story: A man bit the hand of another man and caused his own tooth to fall out, but Abū Bakr رضي الله عنه judged that he had no right for compensation (for the broken tooth).

CHAPTER. If somebody employs someone and tells him the period for which he is employed, is it permissible for him not to tell him the nature of the work? (It is permissible, if he takes into consideration Allāh's Statement :—

> 'I intend to marry one of my two daughters to you.' Till the end of the Verse, '...Allāh is a witness to what I have said.'
>
> (28 : 27-28) (1)

ابنِ يَعْلَى ، عَنْ يَعْلَى بنِ أُمَيَّةَ رَضِيَ اللهُ عَنْهُ قالَ : غَزَوْتُ مَعَ النَّبِيِّ صلى الله عليهِ وسلَّم جَيْشَ العُسْرَةِ فَكَانَ مِنْ أَوْثَقِ أعمالي في نَفْسي . فَكَانَ لي أجيرٌ فَقَاتَلَ إنسانا . فَعَضَّ أحَدُهُما إصْبَعَ صاحِبِهِ ، فانتَزَعَ إصْبَعَهُ فأنْدَرَ ثَنِيَّتَهُ فَسَقَطَتْ . فانْطَلَقَ إلى النَّبِيِّ صلى الله عليهِ وسلَّم فأهْدَرَ ثَنِيَّتَهُ ، وقالَ : أفَيَدَعُ إصْبَعَهُ في فِيكَ تَقْضَمُها ؟ قالَ : أحْسِبُهُ قالَ كما يَقْضَمُ الفَحْلُ . قالَ ابنُ جُرَيْجٍ : وحَدَّثَني عَبْدُ اللهِ بنُ أبي مُلَيْكَةَ ، عَنْ جَدِّهِ بِمِثْلِ هٰذِهِ الصِّفَةِ : أنَّ رَجُلاً عَضَّ يَدَ رَجُلٍ فأنْدَرَ ثَنِيَّتَهُ فأهْدَرَها أبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ .

بابٌ إذا اسْتَأجَرَ أجيراً فَبَيَّنَ لَهُ الأجَلَ ولمْ يُبَيِّنِ العَمَلَ

لِقَوْلِهِ ـ إنِّي أُريدُ أنْ أُنْكِحَكَ إحْدَى ابْنَتَيَّ هاتَيْنِ ـ إلى قَوْلِهِ ـ عَلَى ما نَقُولُ وَكيلٌ ـ يَأجُرُ فُلانا: يُعْطيهِ أجْراً ، ومِنْهُ في التَّعْزِيَةِ : آجَرَكَ اللهُ .

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(1) The complete verses : "I intend to marry one of my two daughters to you, on condition that you serve me for eight years. But if you want to make them ten it will be a favour from you. I don't want to cause you difficulties. Allāh willing, you will find me a righteous man. He (Moses) said, 'We have agreed ; whichever of the two terms I will spend (in serving you), there will be no injustice to me, and Allāh is a witness to what we have said.'"

CHAPTER. It is permissible for one to employ somebody to repair a wall which is about to collapse.

بَابٌ إِذَا اسْتَأْجَرَ أَجِيرًا عَلَى أَنْ يُقِيمَا حَائِطًا يُرِيدُ أَنْ يَنْقَضَّ جَازَ .

467. Narrated Ubai bin Kaᶜb ؓ : Allah's Apostle ﷺ said, "Both of them (Moses and Al-Khadir) proceeded on till they reached a wall which was about to fall." Saᶜīd said, "(Al-Khadir pointed) with his hands (towards the wall) and then raised his hands and the wall became straightened up." Yaᶜla said, "I think Saᶜīd said, 'He (Khadir) passed his hand over it and straightened.'" (Moses said to him), "If you had wanted, you could have taken wages for it.". Saᶜīd said, "Wages with which to buy food."

٤٦٧ - حَدَّثَنِى إِبْرَاهِيمُ بْنُ مُوسَى : أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ : أَنَّ ابْنَ جُرَيْجٍ أَخْبَرَهُمْ قَالَ : أَخْبَرَنِى يَعْلَى بْنُ مُسْلِمٍ وَعَمْرُو بْنُ دِينَارٍ : عَنْ سَعِيدِ بْنِ جُبَيْرٍ ، يَزِيدُ أَحَدُهُمَا عَلَى صَاحِبِهِ ، وَغَيْرُهُمَا قَالَ : قَدْ سَمِعْتُهُ يُحَدِّثُهُ عَنْ سَعِيدٍ ، قَالَ : قَالَ لى ابْنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا : حَدَّثَنِى أُبَيُّ بْنُ كَعْبٍ قَالَ : قَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : فَانْطَلَقَا فَوَجَدَا جِدَارًا يُرِيدُ أَنْ يَنْقَضَّ . قَالَ سَعِيدٌ : بِيَدِهِ هٰكَذَا ، وَرَفَعَ يَدَهُ فَاسْتَقَامَ . قَالَ يَعْلَى : حَسِبْتُ أَنَّ سَعِيدًا قَالَ : فَمَسَحَهُ بِيَدِهِ فَاسْتَقَامَ - لَوْ شِئْتَ لَاتَّخَذْتَ عَلَيْهِ أَجْرًا - قَالَ سَعِيدٌ : أَجْرًا نَأْكُلُهُ .

CHAPTER. Employment up to midday.

بَابُ الإِجَارَةِ إِلَى نِصْفِ النَّهَارِ .

468. Narrated Ibn ᶜUmar ؓ : The Prophet ﷺ said, "Your example and the example of the people of the two Scriptures (i. e. Jews and Christians) is like the example of a man who employed some labourers and asked them, 'Who will work for me from morning till midday for one Qirāt?' The Jews accepted and carried out the work. He then asked,

٤٦٨ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ : حَدَّثَنَا حَمَّادٌ ، عَنْ أَيُّوبَ ، عَنْ نَافِعٍ ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا ، عَنِ النَّبِىِّ صلى اللهُ عليه وسلَّم قَالَ : مَثَلُكُمْ وَمَثَلُ أَهْلِ الْكِتَابَيْنِ كَمَثَلِ رَجُلٍ اسْتَأْجَرَ أُجَرَاءَ . فَقَالَ : مَنْ يَعْمَلُ لى مِنْ غُدْوَةٍ إِلَى نِصْفِ النَّهَارِ عَلَى

'Who will work for me from midday upto the ᶜAsr prayer for one Qirāṭ?' The Christians accepted and fulfilled the work. He then said, 'Who will work for me from the ᶜAsr till sunset for two Qirāṭs?' You, Muslims have accepted the offer. The Jews and the Christians got angry and said, 'Why should we work more and get lesser wages?' (Allāh) said, 'Have I with-held part of your right?' They replied in the negative. He said, 'It is My Blessing, I bestow upon whomever I wish.' "

قِيراط؟ فَعَمِلَتِ اليَهُودُ. ثُمَّ قالَ: مَنْ يَعْمَلُ لِي مِنْ نِصْفِ النَّهارِ إلى صَلاةِ العَصْرِ عَلَى قِيراطٍ؟ فَعَمِلَتِ النَّصارَى. ثُمَّ قالَ: مَنْ يَعْمَلُ لِي مِنَ العَصْرِ إلى أَنْ تَغِيبَ الشَّمْسُ عَلَى قِيراطَيْنِ فَأَنْتُمْ هُمْ، فَغَضِبَتِ اليَهُودُ وَالنَّصارَى فَقالُوا: ما لَنا أَكْثَرَ عَمَلاً وَأَقَلَّ عَطاءً؟ قالَ: هَلْ نَقَصْتُكُمْ مِنْ حَقِّكُمْ؟ قالُوا: لا، قالَ: فَذَلِكَ فَضْلِي أُوتِيهِ مَنْ أَشاءُ.

CHAPTER. Employment upto to the ᶜAsr prayer.

بابُ الإجارَةِ إلى صَلاةِ العَصْرِ.

469. Narrated ᶜAbdullāh bin ᶜUmar bin Al-Khaṭṭāb رضي الله عنهما : Allāh's Apostle ﷺ said, "Your example and the example of Jews and Christians is like the example of a man who employed some labourers to whom he said, 'Who will work for me upto midday for one Qirāṭ each?' The Jews carried out the work for one Qirāṭ each; and then the Christians carried out the work upto the ᶜAsr prayer for one Qirāṭ each; and now you Muslims are working from the ᶜAsr prayer upto sunset for two Qirāṭs each. The Jews and Christians got angry and said, 'We work more and are paid less.' The employer (Allāh) asked them, 'Have I usurped some of your right?' They replied in the negative. He said, 'That is My Blessing, I bestow upon whomever I wish.' "

٤٦٩ - حَدَّثَنا إِسْماعِيلُ بنُ أَبِي أُوَيْسٍ قالَ: حَدَّثَنِي مالِكٌ، عَنْ عَبْدِ اللهِ ابنِ دِينارٍ مَوْلَى عَبْدِ اللهِ بنِ عُمَرَ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ بنِ الخَطَّابِ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: إِنَّما مَثَلُكُمْ وَاليَهُودِ وَالنَّصارَى كَرَجُلٍ اسْتَعْمَلَ عُمَّالاً، فَقالَ: مَنْ يَعْمَلُ لِي إلى نِصْفِ النَّهارِ عَلَى قِيراطٍ قِيراطٍ؟ فَعَمِلَتِ اليَهُودُ عَلَى قِيراطٍ قِيراطٍ. ثُمَّ عَمِلَتِ النَّصارَى عَلَى قِيراطٍ قِيراطٍ ثُمَّ أَنْتُمُ الَّذِينَ تَعْمَلُونَ مِنْ صَلاةِ العَصْرِ إلى مَغارِبِ الشَّمْسِ عَلَى قِيراطَيْنِ قِيراطَيْنِ. فَغَضِبَتِ اليَهُودُ وَالنَّصارَى وَقالُوا: نَحْنُ أَكْثَرُ عَمَلاً وَأَقَلُّ عَطاءً، قالَ: هَلْ ظَلَمْتُكُمْ مِنْ حَقِّكُمْ شَيْئاً؟

قالُوا: لا، قالَ: فذَلكَ فَضْلي أُوتِيهِ مَنْ أشاءُ.

CHAPTER. The sin of him who withholds the wages of the employee.

بابُ إثْمِ مَنْ مَنَعَ أجْرَ الأجِيرِ.

470. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "Allāh said, 'I will be an antagonist to three types of people on the Day of Resurrection :—

1. One who makes a covenant in My Name, but proves treacherous;
2. One who sells a free person and eats his price; and
3. One who employs some-one and takes full work from him but does not pay him for his labour.' "

٤٧٠ - حدَّثَنا يُوسُفُ بنُ مُحَمَّدٍ قالَ: حدَّثَني يَحْيَى بنُ سُلَيْمٍ، عَنْ إسْماعِيلَ بنِ أُمَيَّةَ، عَنْ سَعِيدِ بنِ أبي سَعِيدٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ قالَ: قالَ اللهُ تَعالى: ثَلاثَةٌ أنا خَصْمُهُمْ يَوْمَ القِيامَةِ: رَجُلٌ أعْطَى بِي ثُمَّ غَدَرَ، ورَجُلٌ باعَ حُرًّا فأكَلَ ثَمَنَهُ، ورَجُلٌ اسْتَأجَرَ أجِيرًا فاسْتَوْفَى مِنْهُ ولَمْ يُعْطِهِ أجْرَهُ.

CHAPTER. Employment from ʿAsr till night.

بابُ الإجارَةِ مِنَ العَصْرِ إلى اللَّيْلِ.

471. Narrated Abū Mūsā رضي الله عنه : The Prophet ﷺ said, "The example of Muslims, Jews and Christians is like the example of a man who employed labourers to work for him from morning till night for specific wages. They worked till midday and then said, 'We do not need your money which you have fixed for us and let whatever we have done be annulled.' The man said to them, 'Don't quit the work, but complete the rest of it and take your full wages.' But they refused and went away. The man employed another batch

٤٧١ - حدَّثَنا مُحَمَّدُ بنُ العَلاءِ: حدَّثَنا أبُو أُسامَةَ، عَنْ بُرَيْدٍ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ قالَ: مَثَلُ المُسْلِمِينَ واليَهُودِ والنَّصارَى كَمَثَلِ رَجُلٍ اسْتَأجَرَ قَوْمًا يَعْمَلُونَ لَهُ عَمَلًا يَوْمًا إلى اللَّيْلِ عَلَى أجْرٍ مَعْلُومٍ، فَعَمِلُوا لَهُ إلى نِصْفِ النَّهارِ، فَقالُوا: لا حاجَةَ لَنا إلى أجْرِكَ الَّذِي شَرَطْتَ لَنا وما عَمِلْنا باطِلٌ. فَقالَ لَهُمْ: لا تَفْعَلُوا،

after them and said to them, 'Complete the rest of the day and yours will be the wages I had fixed for the first batch.' So, they began working till the time of ʿAṣr prayer. Then they said, 'Let what we have done be annulled and keep the wages you have promised us for yourself.' The man said to them, 'Complete the rest of the work, as only a little of the day remains,' but they refused. Thereafter he employed another batch to work for the rest of the day and they worked for the rest of the day till the sunset, and they received the wages of the two former batches. So, that was the example of those people (Muslims) and the example of the light of guidance they have accepted willingly. (1)

أَكْمِلُوا بَقِيَّةَ عَمَلِكُمْ وَ خُذُوا أَجْرَكُمْ كَامِلاً، فَأَبَوْا وَ تَرَكُوا. وَاسْتَأْجَرَ آخَرِينَ بَعْدَهُمْ، فَقَالَ: أَكْمِلُوا بَقِيَّةَ يَوْمِكُمْ هَذَا، وَلَكُمُ الَّذِى شَرَطْتُ لَهُمْ مِنَ الأَجْرِ، فَعَمِلُوا حَتَّى إِذَا كَانَ حِينَ صَلاَةِ الْعَصْرِ قَالُوا: لَكَ مَا عَمِلْنَا بَاطِلٌ وَلَكَ الأَجْرُ الَّذِى جَعَلْتَ لَنَا فِيهِ. فَقَالَ لَهُمْ أَكْمِلُوا بَقِيَّةَ عَمَلِكُمْ فَإِنَّ مَا بَقِىَ مِنَ النَّهَارِ شَىْءٌ يَسِيرٌ، فَأَبَوْا، فَاسْتَأْجَرَ قَوْمًا أَنْ يَعْمَلُوا لَهُ بَقِيَّةَ يَوْمِهِمْ حَتَّى غَابَتِ الشَّمْسُ وَاسْتَكْمَلُوا أَجْرَ الْفَرِيقَيْنِ كِلَيْهِمَا، فَذَلِكَ مَثَلُهُمْ وَ مَثَلُ مَا قَبِلُوا مِنْ هَذَا النُّورِ.

CHAPTER. Whosoever employed a labourer (and after completing the work) the labourer left the wages and went away. The employer invested that money in some way and increased it thereby, or whoever invested somebody else's money in business and increased it thereby.

بَابُ مَنِ اسْتَأْجَرَ أَجِيرًا فَتَرَكَ أَجْرَهُ فَعَمِلَ فِيهِ الْمُسْتَأْجِرُ فَزَادَ. أَوْ مَنْ عَمِلَ فِى مَالِ غَيْرِهِ فَاسْتَفْضَلَ.

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(1) The Jews refused to believe in the Message of Jesus, so all their work was annulled; similarly, the Christians refused to accept the Message of Muhammad ﷺ and thus their work was annulled too. Such people were not rewarded, because they refused to have true faith for the rest of their lives and died as disbelievers. They should have believed in the latest Message; for their insistance on keeping their old religion deprived them of the reward which they would have got for their previous good deeds achieved before the advent of the new religion. On the other hand, Muslims accepted and believed in all the three Messages and deserved a full reward for their complete surrender to Allāh. (Al-Qasṭalānī, V. 4, P. 133)

472. Narrated ʿAbdullāh bin ʿUmar ؓ : I heard Allāh's Apostle ﷺ saying, "Long ago three men set out together till they reached a cave at night and entered it. By chance a rock rolled down the mountain and closed the entrance of the cave. They said (to each other), 'Nothing could save you from this rock but appealing to Allāh by giving reference to the best deed of your deeds.' So, one of them began, (to say), 'O Allāh! my parents were old and I never provided my wife, children or slaves with milk before them. Once, by chance I was delayed, and when I came they had slept. I milked the animals for them and took the milk to them, but I found them sleeping. I hated to provide my family and slaves with the milk before them. I waited for them and a bowl of milk was in my hand and I kept on waiting for them to get up till the day dawned. Then they got up and drank the milk. O Allāh! If I did that for Your Pleasure only, please free us from our bad situation caused by this rock.' So, the rock shifted a little but they could not get out."

The Prophet ﷺ added, "The second man said, 'O Allāh! my uncle had a daughter who was the dearest of all people to me and I wanted to have sexual relations with her but she refused. Later she had hardships in a year of famine and she had to come to me and I gave her one-hundred-and-twenty pounds on the condition that she would not resist my desire, and she agreed. When I was about to

٤٧٢ ـ حدَّثَنا أبُو اليَمانِ: أخْبرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: حدَّثَنى سالمُ بنُ عَبْدِ اللهِ: أنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِىَ اللهُ عَنْهُما قالَ: سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ: انْطَلَقَ ثَلاثَةُ رَهْطٍ مِمَّنْ كانَ قَبْلَكُمْ حتَّى أوَوُا المَبِيتَ إلى غارٍ فَدَخَلُوهُ؛ فانحَدَرَتْ صَخْرَةٌ مِنَ الجَبَلِ فَسَدَّتْ عَلَيهِم الغارَ. فَقالُوا: إنَّهُ لا يُنْجِيكُمْ مِنْ هذِهِ الصَّخْرَةِ إلاَّ أنْ تَدْعُوا اللهَ بِصالِحِ أعْمالِكُمْ. فَقالَ رَجُلٌ مِنْهُمْ: اللَّهُمَّ كانَ لى أبَوانِ شَيْخانِ كَبِيرانِ، وكُنْتُ لا أغْبِقُ قَبْلَهُما أهْلاً ولا مالاً، فَنَأى بى فى طَلَبِ شَىْءٍ يَوْما فَلَمْ أُرِحْ عَلَيهِما حتَّى ناما فَحَلَبْتُ لهُما غَبُوقَهُما فَوَجدتهما نائِمَينِ. فَكَرِهْتُ أنْ أغْبِقَ قَبْلَهُما أهْلاً أوْ مالاً، فَلَبِثْتُ والقَدَحُ عَلى يَدَىَّ أنْتَظِرُ اسْتِيقاظَهُما حتَّى بَرَقَ الفَجْرُ فاسْتَيْقَظا فَشَرِبا غَبُوقَهُما. اللَّهُمَّ إنْ كُنْتُ فَعَلْتُ ذلكَ ابْتِغاءَ وَجْهِكَ فَفَرِّجْ عَنَّا ما نَحْنُ فِيهِ مِنْ هذِهِ الصَّخْرَةِ، فانْفَرَجَتْ شَيْئا لا يَسْتَطِيعُونَ الخُرُوجَ. قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: وقالَ الآخَرُ: اللَّهُمَّ كانَتْ لى بِنْتُ عَمّ كانَتْ أحَبَّ النَّاسِ إلَىَّ فَأرَدْتُها عَنْ نَفْسِها، فامْتَنَعَتْ مِنِّى حتَّى ألمَّتْ بِها سَنَةٌ مِنَ السِّنِينَ فَجاءَتْنى فأعْطَيْتُها

fulfil my desire, she said : It is illegal for you to outrage my chastity except by legitimate marriage. So, I thought it a sin to have sexual intercourse with her and left her though she was the dearest of all the people to me, and I left the gold I had given her. O Allāh ! If I did it for Your Pleasure, please free us from the present calamity.' So, the rock shifted a little more but still they could not escape from there.''

The Prophet ﷺ added, ''Then the third man said, 'O Allāh ! I hired few people and I paid them their wages with the exception of one man who did not take his wages and went away. I invested his wages and I got much property thereby. He came and said to me : O Allāh's servant ! Pay me my wages. I said to him : All the camels, cows, sheep and slaves you see, are yours. He said : O Allāh's servant ! Don't mock at me. I said : I am not mocking at you. So, he took all that and drove them away and left nothing. O Allāh ! If I did it for Your Pleasure only, please free us from the present suffering.' So, that rock shifted completely and they got out walking.''

CHAPTER. The one who let himself employed to carry loads on his back and then gave in charity from his wages. (What is said about) the wages of porters.

عِشْرِينَ ومائَةَ دِينارٍ عَلى أنْ تُخَلِّيَ بَيْنِى و بَيْنَ نَفْسِها فَفَعَلَتْ، حتَّى إذا قَدَرْتُ عَلَيها قالَتْ: لا أُحِلُّ لكَ أنْ تَفُضَّ الخاتَمَ إلاَّ بحَقِّه، فتَحَرَّجْتُ مِنَ الوُقُوعِ عَلَيها فانْصَرَفْتُ عَنْها وَهِىَ أحَبُّ النَّاسِ إلىَّ و تَرَكْتُ الذَّهَبَ الَّذِى أعْطَيْتُها. اللَّهُمَّ إنْ كُنْتُ فَعَلْتُ ذلكَ ابْتِغاءَ وَجْهِكَ فافْرِجْ عَنَّا ما نَحْنُ فِيهِ، فانْفَرَجَتِ الصَّخْرَةُ غَيرَ أنَّهُمْ لا يَسْتَطِيعُونَ الخُرُوجَ مِنها. قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: و قالَ الثَّالِثُ: اللَّهُمَّ إنى اسْتَأجَرْتُ أُجَرَاءَ فَأعْطَيْتُهُمْ أجْرَهُمْ غَيرَ رَجُلٍ واحِدٍ تَرَكَ الَّذِى لَهُ و ذَهَبَ فَثَمَّرْتُ أجْرَهُ حتَّى كَثُرَتْ مِنْهُ الأمْوَالُ فَجاءَنى بَعْدَ حِينٍ فقالَ: يَا عَبْدَ اللهِ، أدِّ إلىَّ أجْرِى، فَقُلْتُ لهُ: كُلُّ ما تَرَى من أجْلكَ مِنَ الإبِلِ والبَقَرِ والغَنَمِ والرَّقِيقِ. فقالَ: يا عَبْدَ اللهِ، لا تَسْتَهْزِىءْ بِى، فَقُلْتُ: إنى لا أسْتَهْزِىءُ بِكَ فأخَذَهُ كُلَّهُ فاسْتاقَهُ فَلَمْ يَتْرُكْ مِنْهُ شَيْئًا. اللَّهُمَّ فإنْ كُنْتُ فَعَلْتُ ذلكَ ابْتِغاءَ وجْهِكَ فافْرُجْ عَنَّا ما نَحْنُ فِيهِ. فانْفَرَجَتِ الصَّخْرَةُ فَخَرَجُوا يَمْشُونَ.

بابُ مَنْ آجَرَ نَفْسَهُ لِيَحْمِلَ عَلى ظَهْرِهِ، ثُمَّ تَصَدَّقَ بهِ؛ و أُجْرَةِ الحَمَّالِ.

473. Narrated Abū Mas'ūd Al-Anṣārī رضي الله عنه: When Allāh's Apostle ﷺ ordered us to give in charity we would go to the market and work as porters to earn a Mudd (two hand-fulls) (of foodstuff) and some of us now have one-hundred-thousand Dirhams or Dinārs. (The sub-narrator) Shaqiq said, "I think Abū Mas'ūd meant himself by saying (some of us)."

٤٧٣ - حَدَّثَنَا سَعِيدُ بْنُ يَحْيَى بْنِ سَعِيدٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا الأَعْمَشُ، عَنْ شَقِيقٍ، عَنْ أَبِي مَسْعُودٍ الأَنْصَارِيِّ رَضِيَ اللهُ عَنْهُ قَالَ: كَانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم إِذَا أَمَرَ بِالصَّدَقَةِ انْطَلَقَ أَحَدُنَا إِلَى السُّوقِ فَيُحَامِلُ فَيُصِيبُ المُدَّ وَإِنَّ لِبَعْضِهِمْ لَمِائَةَ أَلْفٍ، قَالَ: مَا نَرَاهُ إِلَّا نَفْسَهُ.

CHAPTER. Wages of a broker. Ibn Sīrīn, 'Aṭā', Ibrahim and Al-Ḥasan did not see any harm in them. Ibn 'Abbās said, "There is no harm if one says (to a broker), 'Sell this garment for such a price and whatever more you get, is for you.'"

Ibn Sīrīn said, "If one says to a broker, 'Sell it for such a price and if you get more, the profit will be for you or divided between us,' there is no harm in it."

The Prophet ﷺ said, "Muslims should abide by their conditions."

باب أَجْرِ السَّمْسَرَةِ وَلَمْ يَرَ ابْنُ سِيرِينَ وَعَطَاءٌ وَإِبْرَاهِيمُ وَالحَسَنُ بِأَجْرِ السِّمْسَارِ بَأْسًا. وَقَالَ ابْنُ عَبَّاسٍ: لَا بَأْسَ أَنْ يَقُولَ بِعْ هَذَا الثَّوْبَ، فَمَا زَادَ عَلَى كَذَا وَكَذَا فَهُوَ لَكَ. وَقَالَ ابْنُ سِيرِينَ: إِذَا قَالَ بِعْهُ بِكَذَا فَمَا كَانَ مِنْ رِبْحٍ فَهُوَ لَكَ أَوْ بَيْنِي وَبَيْنَكَ فَلَا بَأْسَ بِهِ. وَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: المُسْلِمُونَ عِنْدَ شُرُوطِهِمْ.

474. Narrated Ṭāwūs: Ibn 'Abbās رضي الله عنهما said, "The Prophet ﷺ forbade the meeting of caravans (on the way) and ordained that no townsman is permitted to sell things on behalf of a bedouin." I asked Ibn 'Abbās, "What is the meaning of his saying, 'No townsman is permitted to sell things on behalf of a bedouin.'" He replied, "He should not work as a broker for him."

٤٧٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الوَاحِدِ: حَدَّثَنَا مَعْمَرٌ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ صلى اللهُ عليه وسلَّم أَنْ يُتَلَقَّى الرُّكْبَانُ، وَلَا يَبِيعَ حَاضِرٌ لِبَادٍ. قُلْتُ: يَا ابْنَ عَبَّاسٍ، مَا قَوْلُهُ: لَا يَبِيعُ حَاضِرٌ لِبَادٍ؟ قَالَ: لَا يَكُونُ لَهُ سِمْسَارًا.

CHAPTER. Is it permissible for a Muslim to work as employee for pagans in a land of infidility ?

475. Narrated Khabbāb ؓ : I was a blacksmith and did some work for Al-ᶜĀṣ bin Wāʾil. When he owed me some money for my work, I went to him to ask for that amount. He said, "I will not pay you unless you refute Muḥammad's claim of Prophetship." I said, "By Allāh ! I will never do that till you die and be resurrected." He said, "Will I be dead and then resurrected after my death ?" I said, "Yes." He said, "There I will have property and offspring and then I will pay you your due." (At this) Allāh ﷻ revealed. '(O Prophet) ! Have you seen him who denied Our revelations, and said: I will surely be given property and offspring ?' (19 : 77)

CHAPTER. What is paid by the ᶜArab villagers for Ruqya (i. e. divine speech recited as a means of curing diseases) of Al-Fātiḥa.

Narrated Ibn ᶜAbbās from the Prophet ﷺ : It is perfectly legal to charge for Allāh's Book (Qurʾān). Ash-Shaᶜbī said, "The teacher should not fix the tuition, but if he is given something, he should accept it." Al-Ḥakam said, "I have never heard anybody saying that it is convenient for the teacher to take tuition." Al-Ḥasan paid ten Dirhams (to the teacher as tuition).

بَابٌ هَلْ يُؤَاجِرُ الرَّجُلُ نَفْسَهُ مِنْ مُشْرِكٍ فِى أَرْضِ الحَرْبِ !

٤٧٥ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ : حَدَّثَنَا أَبِي : حَدَّثَنَا الأَعْمَشُ ، عَنْ مُسْلِمٍ ، عَنْ مَسْرُوقٍ : حَدَّثَنَا خَبَّابٌ رَضِيَ اللهُ عَنْهُ قَالَ : كُنْتُ رَجُلاً قَيْنًا فَعَمِلْتُ لِلْعَاصِ بْنِ وَائِلٍ فَاجْتَمَعَ لِى عِنْدَهُ فَأَتَيْتُهُ أَتَقَاضَاهُ فَقَالَ : لا ، واللهِ لا أَقْضِيكَ حَتَّى تَكْفُرَ بِمُحَمَّدٍ ، فَقُلْتُ : أَمَا واللهِ حَتَّى تَمُوتَ ثُمَّ تُبْعَثَ ، فَلا ، قَالَ : وَإِنِّى لَمَيِّتٌ ثُمَّ مَبْعُوثٌ ؟ قُلْتُ : نَعَمْ ، قَالَ : فَإِنَّهُ سَيَكُونُ لِى ثَمَّ مَالٌ وَوَلَدٌ فَأَقْضِيكَ ، فَأَنْزَلَ اللهُ تَعَالَى - أَفَرَأَيْتَ الَّذِى كَفَرَ بِآيَاتِنَا وَقَالَ : لأُوتَيَنَّ مَالاً وَوَلَدًا -

بَابُ مَا يُعْطَى فِى الرُّقْيَةِ عَلَى أَحْيَاءِ العَرَبِ بِفَاتِحَةِ الكِتَابِ .

وَقَالَ ابْنُ عَبَّاسٍ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم : أَحَقُّ مَا أَخَذْتُمْ عَلَيْهِ أَجْرًا كِتَابُ اللهِ . وَقَالَ الشَّعْبِيُّ : لا يَشْتَرِطُ المُعَلِّمُ إِلاَّ أَنْ يُعْطَى شَيْئًا فَلْيَقْبَلْهُ . وَقَالَ الحَكَمُ : لَمْ أَسْمَعْ أَحَدًا كَرِهَ أَجْرَ المُعَلِّمِ . وَأَعْطَى الحَسَنُ دَرَاهِمَ عَشَرَةً . وَلَمْ يَرَ ابْنُ سِيرِينَ بِأَجْرِ القَسَّامِ بَأْسًا ، وَقَالَ : كَانَ يُقَالُ السُّحْتُ : الرِّشْوَةُ فِى الحُكْمِ ، وَكَانُوا يُعْطَوْنَ عَلَى الخَرْصِ .

Ibn Sīrīn did not find any harm in paying the distributors. He said, "It was said that Suḥt (illegally-earned money) meant the bribes taken in matters of judging and people used to be paid for estimating (fruits to be distributed among partners).

476. Narrated Abū Saʿīd رضي الله عنه : Some of the companions of the Prophet ﷺ went on a journey till they reached one of the ʿArab tribes (at night). They asked the latter to treat them as their guests but they refused. The chief of that tribe was then bitten by a scorpion and they tried their best to cure him but in vain. One of them said (to the others), "Nothing will benefit him. Will you go to the people who resided here at night, for some of them might possess something (as treatment)." They went to the group of the companions (of the Prophet ﷺ) and said, "Our chief was bitten by a scorpion and we have tried everything uselessly. Have you got anything (useful)?" One of them replied, "Yes, by Allāh! I can recite a Ruqya, but as you have refused to accept us as your guests, I will not recite the Ruqya for you unless you fix a charge for it." They agreed to pay them a flock of sheep. One of them then went and recited (Surat-ul-Fātiḥa): 'All the praises are for the Lord of the Worlds' and puffed over the chief who became all right as if he was released from a chain, and got up and started walking, showing no signs of sickness. They paid them what they agreed to pay. Some of them (i. e. the companions) then suggest-

٤٧٦ ـ حدَّثنا أبُو النُّعْمان : حدَّثنا أبُو عَوَانَةَ ، عَنْ أبي بِشْرٍ ، عَنْ أبي المُتَوَكِّلِ ، عَنْ أبي سَعِيدٍ رَضِيَ اللهُ عَنْهُ قالَ : انْطَلَقَ نَفَرٌ مِنْ أصحابِ النَّبيِّ صلى اللهُ عليهِ وسلَّم فى سَفْرَةٍ سافَرُوها حتَّى نَزَلُوا عَلَى حَيٍّ مِنْ أحْياءِ العَرَبِ فاسْتَضافُوهُمْ فَأبَوْا أنْ يُضَيِّفُوهُمْ ، فَلُدِغَ سَيِّدُ ذلكَ الحَيِّ فَسَعَوْا لَهُ بِكُلِّ شَىْءٍ فقالَ بعْضُهُمْ : لا يَنْفَعُهُ شَىْءٌ ، لَوْ أتَيْتُمْ هَؤُلاءِ الرَّهْطَ الَّذِينَ نَزَلُوا لَعَلَّهُ أنْ يَكُونَ عِنْدَ بَعْضِهِمْ شَىْءٌ . فَأتَوْهُمْ فَقالُوا: يا أيُّها الرَّهْطُ إنَّ سَيِّدَنا لُدِغَ وسَعَيْنا لَهُ بِكُلِّ شَىْءٍ لا يَنْفَعُهُ ، فَهَلْ عِنْدَ أحَدٍ مِنْكُمْ مِنْ شَىْءٍ ؟ فَقالَ بَعْضُهُمْ : نَعَمْ ، واللهِ إنِّى لأُرْقِى ولكِنْ واللهِ لَقَدِ اسْتَضَفْناكُمْ فَلَمْ تُضَيِّفُونا ، فَما أنا بِراقٍ لَكُمْ حتَّى تَجْعَلُوا لَنا جُعْلاً . فَصالَحُوهُمْ عَلَى قَطِيعٍ مِنَ الغَنَمِ . فانْطَلَقَ يَتْفُلُ عَلَيْهِ ويَقْرَأُ : الحَمْدُ للهِ رَبِّ العالَمِينَ ، فَكَأنَّما نُشِطَ مِنْ عِقالٍ فانْطَلَقَ يَمْشِى وما بِهِ قَلَبَةٌ . قالَ : فأوْفَوْهُمْ جُعْلَهُمُ

ed to divide their earnings among themselves, but the one who performed the recitation said, "Do not divide them till we go to the Prophet ﷺ and narrate the whole story to him, and wait for his order." So, they went to Allāh's Apostle ﷺ and narrated the story. Allāh's Apostle ﷺ asked, "How did you come to know that Sūrat-ul-Fātiḥa was recited as Ruqya?" Then he added, "You have done the right thing. Divide (what you have earned) and devote a share for me as well." The Prophet ﷺ smiled thereupon.

الَّذِي صَالَحُوهُمْ عَلَيْهِ. فَقَالَ بَعْضُهُمْ: أَقْسِمُوا، فَقَالَ الَّذِي رَقَى لَا تَفْعَلُوا حَتَّى نَأْتِيَ النَّبِيَّ صلى الله عليه وسلّم فَنَذْكُرَ لَهُ الَّذِي كَانَ فَنَنْظُرَ مَا يَأْمُرُنَا. فَقَدِمُوا عَلَى رَسُولِ اللهِ صلى الله عليه وسلّم فَذَكَرُوا لَهُ فَقَالَ: وَمَا يُدْرِيكَ أَنَّهَا رُقْيَةٌ؟ ثُمَّ قَالَ: قَدْ أَصَبْتُمْ، اقْسِمُوا وَاضْرِبُوا لِي مَعَكُمْ سَهْمًا. فَضَحِكَ النَّبِيُّ صلى الله عليه وسلّم. قَالَ أَبُو عَبْدِ اللهِ: وَقَالَ شُعْبَةُ: حَدَّثَنَا أَبُو بِشْرٍ: سَمِعْتُ أَبَا الْمُتَوَكِّلِ بِهَذَا.

CHAPTER. The taxes imposed on the slaves by their masters; and the leniency in imposing taxes on female slaves.

بَابُ ضَرِيبَةِ الْعَبْدِ وَتَعَاهُدِ ضَرَائِبِ الْإِمَاءِ.

477. Narrated Anas bin Mālik رضي الله عنه: When Abū Ṭaiba cupped the Prophet ﷺ and the Prophet ﷺ ordered that he be paid one or two Ṣāᶜs of foodstuff and he interceded with his masters to reduce his taxes.

٤٧٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللهُ عَنْهُ قَالَ: حَجَمَ أَبُو طَيْبَةَ النَّبِيَّ صلى الله عليه وسلّم فَأَمَرَ لَهُ بِصَاعٍ أَوْ صَاعَيْنِ مِنْ طَعَامٍ، وَكَلَّمَ مَوَالِيَهُ فَخَفَّفَ عَنْ غَلَّتِهِ أَوْ ضَرِيبَتِهِ.

CHAPTER. The wages of one who has the profession of cupping.

بَابُ خَرَاجِ الْحَجَّامِ.

478. Narrated Ibn ᶜAbbās رضي الله عنهما: When the Prophet ﷺ was cupped, he paid the man who cupped him his wages.

٤٧٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا ابْنُ طَاوُسٍ: عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا

قالَ: احْتَجَمَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم
و أعْطَى الحَجَّامَ أجْرَهُ.

479. Narrated Ibn ʿAbbās رضي الله عنهما : When the Prophet ﷺ was cupped, he paid the man who cupped him his wages. If it had been undesirable he would not have paid him.

٤٧٩ - حدَّثَنا مُسَدَّدٌ: حدَّثَنا يزِيدُ
ابنُ زُرَيْعٍ، عَنْ خالِدٍ، عَنْ عِكْرِمَةَ.
عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُ قالَ:
احْتَجَمَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم و أعْطَى
الحَجَّامَ أجْرَهُ ولَو عَلِمَ كَرَاهِيَةً
لمْ يُعْطِهِ.

480. Narrated Anas رضي الله عنه : The Prophet ﷺ used to get cupped and would never withhold the wages of any person.

٤٨٠ - حدَّثَنا أبُو نُعَيمٍ: حدَّثَنا
مِسْعَرٌ، عَنْ عَمْرِو بنِ عامِرٍ قالَ:
سَمِعْتُ أنَسًا رَضِيَ اللهُ عَنْهُ يَقُولُ:
كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ يَحْتَجِمُ
ولمْ يَكُنْ يَظْلِمُ أحَدًا أجْرَهُ.

CHAPTER. Whoever appealed to the masters of a slave to reduce his taxes.

بابٌ مَنْ كَلَّمَ مَوَالِيَ العَبْدِ أنْ يُخَفِّفُوا عَنْهُ مِنْ خَرَاجِهِ.

481. Narrated Anas bin Mālik رضي الله عنه : The Prophet ﷺ sent for a slave who had the profession of cupping, and he cupped him. The Prophet ﷺ ordered that he be paid one or two Sa s, or one or two Mudds of foodstuff, and appealed to his masters to reduce his taxes :

٤٨١ - حدَّثَنا آدَمُ: حدَّثَنا شُعْبَةُ،
عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أنَسِ بنِ
مالِكٍ رَضِيَ اللهُ عَنْهُ قالَ: دَعَا النَّبِيُّ
صلى اللهُ عليهِ وسلَّم غُلامًا حَجَّامًا فَحَجَمَهُ
و أمَرَ لَهُ بِصَاعٍ أوْ صَاعَيْنِ، أو مُدٍّ أوْ
مُدَّيْنِ، و كَلَّمَ فِيهِ فَخُفِّفَ مِنْ
ضَرِيبَتِهِ.

CHAPTER. The earnings of prostitutes and female slaves.

Ibrāhīm hated the earnings of female wailers and female singers.

بابُ كَسْبِ البَغِيِّ والإماءِ.

و كَرِهَ إبْرَاهِيمُ أجْرَ النَّائحَةِ والمُغَنِّيَةِ.
و قَوْلُ اللهِ تَعالى - ولا تُكْرِهُوا فَتَيَاتِكُمْ

The Statement of Allāh تعالى :—

> ‘Don’t force your slave girls to commit illegal sexual intercourse when they want to be chaste in order to gain some wordly benefit. In case one forces them to it, then Allāh is Forgiving and Merciful (to them) after such compulsion.’ (24 : 33)

عَلَى البِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِتَبْتَغُوا عَرَضَ الحَيَاةِ الدُّنْيَا وَ مَنْ يُكْرِهْهُنَّ فَإِنَّ اللهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ - قَالَ مُجَاهِدٌ : فَتَيَاتِكُمْ : إِمَاءَكُمْ .

482. Narrated Abū Mas‘ūd Al-Anṣārī رضي الله عنه : Allāh’s Apostle ﷺ regarded illegal the price of a dog, the earnings of a prostitute, and the charges taken by a sooth-sayer.

٤٨٢ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ ، عَنْ مَالِكٍ ، عَنِ ابْنِ شِهَابٍ ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الحَارِثِ بْنِ هِشَامٍ ، عَنْ أَبِي مَسْعُودٍ الأَنْصَارِيِّ رَضِيَ اللهُ عَنْهُ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم نَهَى عَنْ ثَمَنِ الكَلْبِ ، وَ مَهْرِ البَغِيِّ ، وَ حُلْوَانِ الكَاهِنِ .

483. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ prohibited the earnings of slave girls (through prostitution).

٤٨٣ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ : حَدَّثَنَا شُعْبَةُ ، عَنْ مُحَمَّدِ بْنِ جُحَادَةَ ، عَنْ أَبِي حَازِمٍ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ : نَهَى النَّبِيُّ صلى اللهُ عليه وسلَّم عَنْ كَسْبِ الإِمَاءِ .

CHAPTER. (Charging for) the semen of a male animal, (i. e. copulation of animals).

بَابُ عَسْبِ الفَحْلِ .

484. Narrated Ibn ‘Umar رضي الله عنهما : The Prophet ﷺ forbade taking a price for animal copulation.

٤٨٤ - حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا عَبْدُ الوَارِثِ وَ إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ ، عَنْ عَلِيِّ بْنِ الحَكَمِ ، عَنْ نَافِعٍ ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ : نَهَى

النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْ عَسْبِ الفَحْلِ .

CHAPTER. If somebody rents land and he or the owner of the land dies (will the contract be cancelled)?

According to Ibn Sirin the inheritors have no right to expel the tenant before the term of the cantract has elapsed.

Al-Ḥakam, Al-Ḥasan and Ayās bin Muᶜāwiya said, "The contract remains valid till the end of the term."

Ibn ᶜUmar said, "The Prophet ﷺ rented the land of Khaibar on the terms that half the yield would be his share. That contract continued during the lifetime of the Prophet ﷺ, Abū Bakr, and the early part of ᶜUmar's caliphate." It was not mentioned that Abū Bakr renewed the contract after the death of the Prophet ﷺ.

بابٌ إذا استأجَرَ أرْضًا فماتَ أحَدُهما و قالَ ابنُ سيرينَ : ليْسَ لأهْلِهِ أنْ يُخْرِجُوهُ إلى تمامِ الأجلِ . و قالَ الحَكَمُ والحَسَنُ و إياسُ بنُ مُعاوِيَةَ : تُمْضَى الإجارَةُ إلى أجَلِها . و قالَ ابنُ عُمَرَ : أعْطَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم خَيْبَرَ بالشَّطْرِ ، فَكانَ ذلكَ عَلى عَهْدِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم و أبي بَكْرٍ و صَدْرًا من خِلافَةِ عُمَرَ . ولمْ يُذْكَرْ أنَّ أبا بَكْرٍ جَدَّدَ الإجارَةَ بَعْدَ ما قُبِضَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم .

485. Narrated Juwairīa bin Asmāʾ from Nāfiᶜ: Allāh's Apostle ﷺ gave the land of Khaibar to the Jews to work on and cultivate and take half of its yield. Ibn ᶜUmar said, "The land used to be rented for a certain portion (of its yield)." Nafi mentioned the amount of the portion but I forgot it. Rāfiᶜ bin Khadīj said, "The Prophet ﷺ forbade renting farms."

Narrated ᶜUbaid-Ullāh from Nāfiᶜ from Ibn ᶜUmar: (The contract of Khaibar continued) till ᶜUmar evacuated the Jews (from Khaibar).

٤٨٥ ـ حدَّثَنا مُوسَى بنُ إسماعيلَ : حدَّثَنا جُوَيْرِيَةُ بنُ أسماءَ ، عَنْ نافِعٍ ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ : أعْطَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم خَيْبَرَ اليَهُودَ أنْ يَعْمَلُوها و يَزْرَعُوها ولَهُمْ شَطْرُ ما يَخْرُجُ مِنْها . و أنَّ ابنَ عُمَرَ حدَّثَهُ أنَّ المَزارِعَ كانَتْ تُكْرَى عَلى شَيْءٍ سَمَّاهُ نافِعٌ لا أحْفَظُهُ ، و أنَّ رافِعَ ابنَ خَدِيجٍ حدَّثَ : أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم نَهَى عَنْ كِراءِ المَزارِعِ . و قالَ عُبَيْدُ اللهِ عَنْ نافِعٍ ، عَنِ ابنِ عُمَرَ : حتَّى أجْلاهُمْ عُمَرُ .

In the name of Allāh,
the most Beneficent, the most Merciful

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

CHAPTER. Al-Ḥawāla (the transference of a debt from one person to another. It is an agreement whereby a debtor is released from a debt by another becoming responsible for it).

Can Hawala be rejected by the creditors after accepting it?

Al-Ḥasan and Qatāda said, "If the transferee was rich when the debt was transferred, the agreement is final and irrevocable by the creditor."

Ibn ʿAbbās said, "When two partners disassociate and one of them accepts assets while the other accepts debts as a part of his share, if the debts could not be collected (because of the death of the debtor, his bankruptcy, or his denial of the debt, etc.), the one who has accepted the debts would have no right to demand any compensation from his partner." This is applied also in settling the affairs of inheritors.

بَابُ الحَوَالَةِ ، وَ هَلْ يَرْجِعُ فى الحَوَالَةِ ؟ وَ قَالَ الحَسَنُ وَ قَتَادَةُ : إِذَا كَانَ يَوْمَ أَحَالَ عَلَيْهِ مَلِيًّا جَازَ . وَ قَالَ ابْنُ عَبَّاسٍ : يَتَخَارَجُ الشَّرِيكَانِ وَ أَهْلُ المِيرَاثِ فَيَأْخُذُ هٰذَا عَيْنًا وَ هٰذَا دَيْنًا ، فَإِنْ تَوِيَ لِأَحَدِهِمَا لَمْ يَرْجِعْ عَلَى صَاحِبِهِ .

486. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "Procrastination

٤٨٦ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكٌ ، عَنْ أَبِي الزِّنَادِ ، عَنْ

in paying debts by a wealthy man is injustice. So, if your debt is transferred from your debtor to a rich debtor, you should agree."(1)

الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ: مَطْلُ الغَنِيِّ ظُلْمٌ، فإذَا أُتْبِعَ أحَدُكُمْ عَلَى مَلِيءٍ فَلْيَتَّبِعْ.

CHAPTER. If the debts due on a dead person are transferred to somebody, the transferrence is legal and valid. If somebody's debts are transferred to a rich debtor, the Ḥawāla is irrevocable.

بابٌ إنْ أحالَ دَيْنَ المَيِّتِ عَلَى رَجُلٍ جازَ، وإذا أحالَ عَلَى مَلِيءٍ فَلَيْسَ لَهُ رَدٌّ.

487. Narrated Abū Huraira ؓ: The Prophet ﷺ said, "Procrastination in paying debts by a wealthy person is injustice. So, if your debt is transferred from your debtor to a rich debtor, you should agree."

٤٨٧ ـ حدَّثنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثنا سُفْيانُ، عَنِ ابنِ ذَكْوانَ، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قال: مَطْلُ الغَنِيِّ ظُلْمٌ. ومَنْ أُتْبِعَ عَلَى مَلِيءٍ فَلْيَتَّبِعْ.

CHAPTER. If the debts due on a dead person are transferred to somebody, the transference is legal and valid.

بابٌ إذَا أحالَ دَيْنَ المَيِّتِ عَلَى رَجُلٍ جازَ.

488. Narrated Salama bin Al-Akwaʿ ؓ: Once, while we were sitting in the company of Prophet ﷺ, a dead man was brought. The Prophet ﷺ was requested to lead the funeral prayer for

٤٨٨ ـ حدَّثنا المَكِّيُّ بنُ إبْرَاهِيمَ: حدَّثنا يَزِيدُ بنُ أبي عُبَيْدٍ، عَنْ سَلَمَةَ ابنِ الأكْوَعِ رَضِيَ اللهُ عَنْهُ قال: كُنَّا جُلُوسًا عِنْدَ النَّبِيِّ صلى اللهُ عليه وسلَّم

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(1) As the postponement of paying debts by a rich person is injustice, one should accept Hawala upon that man, for one may be better able to collect the debt from the rich man than the transferor. Thus, by accepting the Hawala one helps the rich man to avoid injustice. (Fatḥ-ul-Bārī Vol. 5, P. 271-2).

the deceased. He said, "Is he in debt?" The people replied in the negative. He said, "Has he left any wealth?" They said, "No." So, he led his funeral prayer. Another dead man was brought and the people said, "O Allāh's Apostle! Lead his funeral prayer." The Prophet ﷺ said, "Is he in debt?" They said, "Yes." He said, "Has he left any wealth?" They said, "Three Dīnārs." So, he led the prayer. Then a third dead body was brought and the people said (to the Prophet ﷺ), "Lead the prayer." He said, "Has he left any wealth?" They said, "No." He asked, "Is he in debt?" They said, "In three Dīnārs." He (refused to pray and) said, "Then pray for your (dead) companion." Abū Qatāda said, "O Allāh's Apostle! Lead his funeral prayer, for I will pay his debt." So, he led the prayer.

إِذْ أُتِىَ بِجَنَازَةٍ فَقَالُوا: صَلِّ عَلَيْهَا، فَقَالَ هَلْ عَلَيْهِ دَيْنٌ؟ قَالُوا: لَا، قَالَ: فَهَلْ تَرَكَ شَيْئًا؟ قَالُوا: لَا، فَصَلَّى عَلَيْهِ. ثُمَّ أُتِىَ بِجَنَازَةٍ أُخْرَى فَقَالُوا: يَا رَسُولَ اللهِ، صَلِّ عَلَيْهَا. قَالَ: هَلْ عَلَيْهِ دَيْنٌ؟ قِيلَ: نَعَمْ قَالَ: فَهَلْ تَرَكَ شَيْئًا؟ قَالُوا: ثَلَاثَةَ دَنَانِيرَ، فَصَلَّى عَلَيْهَا. ثُمَّ أُتِىَ بِالثَّالِثَةِ فَقَالُوا: صَلِّ عَلَيْهَا. قَالَ: هَلْ تَرَكَ شَيْئًا؟ قَالُوا: لَا، قَالَ: فَهَلْ عَلَيْهِ دَيْنٌ؟ قَالُوا: ثَلَاثَةُ دَنَانِيرَ، قَالَ: صَلُّوا عَلَى صَاحِبِكُمْ. فَقَالَ أَبُو قَتَادَةَ: صَلِّ عَلَيْهِ يَا رَسُولَ اللهِ وَعَلَيَّ دَيْنُهُ، فَصَلَّى عَلَيْهِ.

CHAPTER. Kafāla (i.e. the pledge given by somebody to the creditor to guarantee that the debtor will be present at a certain specific place to pay his debt or fine, or to undergo a punishment, etc.) in loans and debts with oneself or other things (e.g. one's money).

Narrated Muhammad bin ʿAmr Al-Aslamī from his father Hamza: ʿUmar ؓ sent him (i.e. Hamza) as a Sadaqa-collector. A man had committed illegal sexual intercourse with the slave-girl of his wife. Hamza took (personal) sureties for the adulterer till they came to ʿUmar. ʿUmar

بَابُ الْكَفَالَةِ فِى الْقَرْضِ، وَالدُّيُونِ بِالْأَبْدَانِ وَغَيْرِهَا. وَقَالَ أَبُو الزِّنَادِ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو الْأَسْلَمِىِّ، عَنْ أَبِيهِ: أَنَّ عُمَرَ رَضِىَ اللهُ عَنْهُ بَعَثَهُ مُصَدِّقًا، فَوَقَعَ رَجُلٌ عَلَى جَارِيَةِ امْرَأَتِهِ فَأَخَذَ حَمْزَةُ مِنَ الرَّجُلِ كُفَلَاءَ حَتَّى قَدِمَ عَلَى عُمَرَ، وَكَانَ عُمَرُ قَدْ جَلَدَهُ مِائَةَ جَلْدَةٍ فَصَدَّقَهُمْ وَعَذَرَهُمْ بِالْجَهَالَةِ. وَقَالَ جَرِيرٌ وَالْأَشْعَثُ لِعَبْدِ اللهِ بْنِ مَسْعُودٍ فِى الْمُرْتَدِّينَ: اسْتَتِبْهُمْ وَكَفِّلْهُمْ.

had lashed the adulterer one-hundred lashes. ʿUmar confirmed their claim (that the adulterer had already been punished) and excused him because of being ignorant. (1)

Jarir and Al-Ashʿath said to Ibn Masʿūd regarding renegades (i.e. those who became infidels after embracing Islam), "Let them repent and take (personal) sureties for them." They repented and their relatives stood sureties for them. (2)

فَتَابُوا و كَفَلَهُمْ عَشَائِرُهُمْ . و قَالَ حَمَّادٌ: إِذَا تَكَفَّلَ بِنَفْسٍ فَمَاتَ فَلَا شَىْءَ عَلَيْهِ. و قَالَ الحَكَمُ: يَضْمَنُ. قَالَ أَبُو عَبْدِ اللهِ، و قَالَ اللَّيْثُ: حَدَّثَنى جَعْفَرُ بنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ ابنِ هُرْمُزَ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ، عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم: أَنَّهُ ذَكَرَ رَجُلاً مِنْ بَنى إِسْرَائِيلَ سَأَلَ بَعْضَ بَنى إِسْرَائِيلَ أَنْ يُسْلِفَهُ أَلْفَ

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(1) This is an abridged version of a long story which goes: ʿUmar sent Ḥamza to collect Zakāt. A man argued with his wife before Ḥamza; He told her to pay the Zakāt of the wealth of her slave-girl's son, while she told him to pay the Zakāt of his son's wealth. Ḥamza asked what the matter was. He was told that the man was the husband of that woman and that he had committed illegal sexual intercourse with her slave-girl who gave birth to a boy. The woman manumitted the boy who inherited the wealth from his mother.

On hearing the story, Ḥamza said to the man, "I will definitely stone you."

The people said, "The case had been taken to Umar (the Caliph) who gave him one hundred lashes but did not sentence him to stoning." Somebody stood surety for the man. When Ḥamza came to ʿUmar, ʿUmar confirmed their claim and said that he had not stoned him, because he had committed illegal sexual intercourse ignorantly (i.e. he thought that it was legal for him to have sexual relation with his wife's slave-girl). (Ibid. p. 374)

(2) The story of the renegades was narrated by Haritha bin Madrab, who said, "I offered the morning prayer with ʿAbdullāh bin Masʿūd. When the prayer ended, a man got up and informed him that he had gone to the mosque of Bani Hanifa and heard the Muʾadh-dhin of ʿAbdullāh bin An-Nawwāḥa saying, 'I certify that Musailama is Allāh's Apostle.'"

Ibn Masʿūd sent for Ibn An-Nawwāḥa and had him put to death. He then consulted his companions regarding Ibn An-Nawwāḥa's followers who were 170 men. ʿAdī bin Ḥātim suggested that they be killed. Jarīr and Al-Ashʿath got up and said, 'No, but let them repent and let their tribes stand sureties for them.' So, they repented and their tribes stood sureties for them." (Ibid. p. 375)

According to Ḥammād, if somebody stands surety for another person and that person dies, the surety will be released from responsibility. According to Al-Ḥakam, his responsibility continues.

Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "An Israēlī man asked another Israēlī to lend him one-thousand Dīnārs. The second man required witnesses. The former replied, 'Allāh is sufficient as a witness.' The second said, 'I want a surety.' The former replied, 'Allāh is sufficient as a surety.' The second said, 'You are right,' and lent him the money for a certain period. The debtor went across the sea. When he finished his job, he searched for a conveyance so that he might reach in time for the repayment of the debt, but he could not find any. So, he took a piece of wood and made a hole in it, inserted in it one thousand Dīnārs and a letter to the lender and then closed (i.e. sealed) the hole tightly. He took piece of wood to the sea and said, 'O Allāh! You know well that I took a loan of one thousand Dīnārs from so-and-so. He demanded a surety from me but I told him that Allāh's Guarantee was sufficient and he accepted Your guarantee. He then asked for a witness and I told him that Allāh was sufficient as a Witness, and he accepted You as a Witness. No doubt, I tried hard to find a conveyance so that I could pay his money but could not find, so I hand over this money to You.' Saying that, he threw the piece of wood into the

دِينارٍ فَقالَ: ائْتِنِي بالشُّهَداءِ أُشْهِدُهُمْ.
فقالَ: كَفَى باللهِ شَهِيدًا قالَ: فَأْتِنِي بالكَفِيلِ
قالَ: كَفَى باللهِ كَفِيلًا. قالَ: صَدَقْتَ،
فَدَفَعَها إلَيْهِ إلى أجَلٍ مُسَمًّى، فَخَرَجَ
فى البَحْرِ فَقَضَى حاجَتَهُ ثُمَّ التَمَسَ
مَرْكَبًا يَرْكَبُها يَقْدَمُ عَلَيْهِ لِلأجَلِ
الَّذى أجَّلَهُ فَلَمْ يَجِدْ مَرْكَبًا، فأخَذَ
خَشَبَةً فَنَقَرَها فَأدْخَلَ فِيها ألْفَ
دِينارٍ و صَحِيفَةً مِنْهُ إلى صاحِبِهِ ثُمَّ
زَجَّجَ مَوْضِعَها ثُمَّ أتَى بِها إلى البَحْرِ
فَقالَ: اللَّهُمَّ إنَّكَ تَعْلَمُ أنى كُنْتُ
تَسَلَّفْتُ فُلانًا ألْفَ دِينارٍ فَسَألَنى كَفِيلًا
فَقُلْتُ: كَفَى باللهِ كَفِيلًا فَرَضِيَ بِكَ،
و سَألَنى شَهِيدًا فَقُلْتُ: كَفَى باللهِ شَهِيدًا
فَرَضِيَ بِكَ. و إنِّى جَهَدْتُ أنْ أجِدَ
مَرْكَبًا أبْعَثُ إلَيْهِ الَّذِى لَهُ فَلَمْ أقْدِرْ.
و إنى اسْتَوْدِعُكَها، فَرَمَى بِها فى البَحْرِ
حَتَّى وَلَجَتْ فِيهِ. ثُمَّ انْصَرَفَ، و هُوَ
فى ذلِكَ يَلْتَمِسُ مَرْكَبًا يَخْرُجُ إلى
بَلَدِهِ فَخَرَجَ الرَّجُلُ الَّذِى كانَ أسْلَفَهُ
يَنْظُرُ لَعَلَّ مَرْكَبًا قَدْ جاءَ بِمالِهِ.
فإذا بالخَشَبَةِ الَّتى فِيها المالُ، فأخَذَها
لأهْلِهِ حَطَبًا. فَلَمَّا نَشَرَها وجَدَ المالَ
والصَّحِيفَةَ، ثُمَّ قَدِمَ الَّذِى كانَ أسْلَفَهُ
فأتَى بالألْفِ دِينارٍ. فَقالَ: واللهِ ما زِلْتُ
جاهِدًا فى طَلَبِ مَرْكَبٍ لآتِيَكَ بِمالِكَ
فما وَجَدْتُ مَرْكَبًا قَبْلَ الَّذِى أتَيْتُ

sea till it went out far into it, and then he departed. In the meanwhile he started searching for a conveyance in order to reach the creditor's country. One day the lender came out of his house to see whether a ship had arrived bringing his money, and all of a sudden he saw the piece of wood in which his money had been deposited. He took it home to use for fire. When he sawed it, he found his money and the letter inside it. Shortly after that, the debtor came bringing one thousand Dīnārs to him and said, 'By Allāh, I had been trying hard to get a boat so that I could bring you your money, but failed to get one before the one I have come by.' The lender asked, 'Have you sent something to me?' The debror replied, 'I have told you I could not get a boat other than the one I have come by.' The lender said, 'Allāh has delivered on your behalf the money you sent in the piece of wood. So, you may keep your one thousand Dīnārs and depart guided on the right path.' "

فِيهِ. قَالَ: هَلْ كُنْتَ بَعَثْتَ إِلَيَّ بِشَيْءٍ؟ قَالَ: أُخْبِرُكَ أَنِّي لَمْ أَجِدْ مَرْكَبًا قَبْلَ الَّذِي جِئْتُ فِيهِ. قَالَ: فَإِنَّ اللهَ قَدْ أَدَّى عَنْكَ الَّذِي بَعَثْتَ فِي الخَشَبَةِ فَانْصَرِفْ بِالأَلْفِ الدِّينَارِ رَاشِدًا.

CHAPTER. The Statement of Allāh تعالى :

> 'And those with whom your right hands have made a pledge, give them their due share.' (4 : 33)

بَابُ قَوْلِ اللهِ عَزَّ وَجَلَّ - وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ فَآتُوهُمْ نَصِيبَهُمْ.

489. Narrated Saʿīd bin Jubair : Ibn Abbas رضي الله عنهما said, "In the verse : 'For every one We have appointed Mawāliya, Mawāliya means one's heirs." (And regarding the verse) 'And those with whom your right hands have made a pledge.' Ibn

٤٨٩ - حَدَّثَنَا الصَّلْتُ بْنُ مُحَمَّدٍ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ إِدْرِيسَ، عَنْ طَلْحَةَ بْنِ مُصَرِّفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا.

ʿAbbās said, "When the emigrants came to the Prophet ﷺ in Medīna, the emigrant would inherit the Anṣārī while the latter's relatives would not inherit him because of the brotherhood which the Prophet ﷺ established between them (i. e. the emigrants and the Anṣār). When the verse: 'And for everyone We have appointed heirs' was revealed, it cancelled (the verse of the pledge of brotherhood regarding inheritance)." Then he said, "The verse: 'And those with whom your right hands have made a pledge', remained valid regarding co-operation and mutual advice, while the matter of inheritance was excluded and it became permissible to assign something in one's testament to the person who had had the right of inheriting before.

ولكل جعلنا موالي - قال: ورثة - والذين عاقدت أيمانكم - قال: كان المهاجرون لما قدموا على النبي صلى الله عليه وسلم المدينة ورث المهاجر الأنصاري دون ذوي رحمه للأخوة التي آخى النبي صلى الله عليه وسلم بينهم. فلما نزلت - ولكل جعلنا موالي - نسخت. ثم قال - والذين عقدت أيمانكم - إلا النصر والرفادة والنصيحة. وقد ذهب الميراث ويوصى له.

490. Narrated Anas ؓ: ʿAbdur-Raḥmān bin ʿAuf came to us and Allāh's Apostle ﷺ established a bond of brotherhood between him and Sa d bin Rabīʿa.

٤٩٠ - حدثنا قتيبة: حدثنا إسماعيل بن جعفر، عن حميد، عن أنس رضي الله عنه قال: قدم علينا عبد الرحمن بن عوف فآخى رسول الله صلى الله عليه وسلم بينه وبين سعد ابن الربيع.

491. Narrated ʿĀṣim: I asked Anas bin Mālik, "Have you ever heard that the Prophet ﷺ said, 'There is no alliance in Islam?'" He replied, "The Prophet ﷺ made alliance between Quraish and the Anṣār in my house."

٤٩١ - حدثنا محمد بن الصباح: حدثني إسماعيل بن زكرياء: حدثنا عاصم، قال: قلت لأنس رضي الله عنه: أبلغك أن النبي صلى الله عليه وسلم قال: لا حلف في الإسلام؟ فقال: قد حالف النبي صلى الله عليه وسلم بين قريش والأنصار في داري.

CHAPTER. He who undertakes to repay the debts of a dead person has not the right to change his mind. Al-Ḥasan said the same.

بَابُ مَنْ تَكَفَّلَ عَنْ مَيِّتٍ دَيْنًا فَلَيْسَ لَهُ أَنْ يَرْجِعَ. وَبِهِ قَالَ الْحَسَنُ.

492. Narrated Salama bin Al-Akwaᶜ رضي الله عنه : A dead person was brought to the Prophet ﷺ so that he might lead the funeral prayer for him. He asked, "Is he in debt?" When the people replied in the negative, he led the funeral prayer. Another dead person was brought and he asked, "Is he in debt?" They said, "Yes." He (refused to lead the prayer and) said, "Lead the prayer of your friend." Abū Qatāda said, "O Allāh's Apostle! I undertake to pay his debt." Allāh's Apostle ﷺ then led the funeral prayer.

٤٩٢ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ، عَنْ سَلَمَةَ بْنِ الأَكْوَعِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم أُتِيَ بِجَنَازَةٍ لِيُصَلِّيَ عَلَيْهَا فَقَالَ: هَلْ عَلَيْهِ مِنْ دَيْنٍ؟ قَالُوا: لا فَصَلَّى عليهِ. ثُمَّ أُتِيَ بِجَنَازَةٍ أُخْرَى فَقَالَ: هَلْ عَلَيْهِ مِنْ دَيْنٍ؟ قَالُوا: نَعَمْ، قَالَ: صَلُّوا عَلَى صَاحِبِكُمْ. قَالَ أَبُو قَتَادَةَ: عَلَيَّ دَيْنُهُ يَا رَسُولَ اللهِ، فَصَلَّى عَلَيْهِ.

493. Narrated Jābir bin ᶜAbdullāh رضي الله عنه : Once the Prophet ﷺ said (to me), "If the money of Baḥrain comes, I will give you a certain amount of it." The Prophet ﷺ had breathed his last before the money of Baḥrain arrived. When the money of Baḥrain reached, Abū Bakr announced, "Whoever was promised by the Prophet ﷺ should come to us." I went to Abū Bakr and said, "The Prophet ﷺ promised me so and so." Abū Bakr gave me a handful of coins and when I counted them, they were five-hundred in number. Abū Bakr then said, "Take twice the amount you have taken (besides)."

٤٩٣ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا عَمْرٌو: سَمِعَ مُحَمَّدَ بْنَ عَلِيٍّ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمْ قَالَ: قَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: لَوْ قَدْ جَاءَ مَالُ الْبَحْرَيْنِ قَدْ أَعْطَيْتُكَ هَكَذَا وَهَكَذَا. فَلَمْ يَجِيءْ مَالُ الْبَحْرَيْنِ حَتَّى قُبِضَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم. فَلَمَّا جَاءَ مَالُ الْبَحْرَيْنِ أَمَرَ أَبُو بَكْرٍ فَنَادَى: مَنْ كَانَ لَهُ عِنْدَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم عِدَةٌ أَوْ دَيْنٌ فَلْيَأْتِنَا. فَأَتَيْتُهُ فَقُلْتُ: إِنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم قَالَ

CHAPTER. The pledge of protection given to Abū Bakr (by someone) during the life-time of Allāh's Apostle ﷺ.

494. Narrated ᶜĀisha رضي الله عنها, wife of the Prophet ﷺ: Since I reached the age when I could remember things, I have seen my parents worshipping according to the right faith of Islām. Not a single day passed but Allāh's Apostle ﷺ visited us both in the morning and in the evening. When the Muslims were persecuted, Abū Bakr left for Ethiopia as an emigrant. When he reached a place called Bark-al-Ghimād, he met Ibn Ad-Daghna, the chief of the Qāra tribe, who asked Abū Bakr, "Where are you going?" Abū Bakr said, "My people have turned me out of the country and I would like to tour the world and worship my Lord." Ibn Ad-Daghna said, "A man like you will not go out, nor will he be turned out as you help the poor earn their living, keep good relation with your kith and kin, help the disabled (or the dependents), provide guests with food and shelter, and help people during their troubles. I am your protector. So, go back and worship your Lord at your home." Ibn Ad-Daghna went along with Abū Bakr and took him to the chief of Quraish saying to them, "A man like Abū Bakr will not go out, nor will he be turned out. Do you turn out a man who helps the poor earn their living, keeps good relations with kith

لِى كَذَا وَ كَذَا: فَحَثَى لِى حَثْيَةً فَعَدَدْتُهَا فَإِذَا هِىَ خَمْسُمِائَةٍ وَ قَالَ: خُذْ مِثْلَيْهَا.

بابُ جِوارِ أبِى بَكْرٍ فِى عَهْدِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم و عَقْدِهِ.

٤٩٤ ـ حدَّثَنا يَحْيَى بنُ بُكَيْرٍ: حدَّثَنا اللَّيْثُ عَنْ عُقَيْلٍ: قالَ ابنُ شِهابٍ: فأخْبرَنى عُرْوَةُ بنُ الزُّبَيْرِ: أنَّ عائِشَةَ رَضِىَ اللهُ عَنْها زَوْجَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَتْ: لمْ أعْقِلْ أبَوَىَّ إلاَّ و هُما يَدِينانِ الدِّينَ. و قالَ أبُو صالحٍ: حدَّثَنى عَبْدُ اللهِ، عَنْ يُونُسَ، عَنِ الزُّهْرِىِّ قالَ: أخبرَنى عُرْوَةُ بن الزُّبَيْرِ: أنَّ عائِشَةَ رَضِىَ اللهُ عَنْها قالَتْ: لمْ أعْقِلْ أبَوَىَّ قَطُّ إلاَّ و هُما يَدِينانِ الدِّينَ، ولمْ يَمُرَّ عَلَيْنا يَوْمٌ إلاَّ يَأتِينا فِيهِ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم طَرَفَىِ النَّهارِ بُكْرَةً و عَشِيَّةً. فلَمَّا ابْتُلِىَ المُسْلِمُونَ خَرَجَ أبُو بَكْرٍ مُهاجِرًا قِبَلَ الحَبَشَةِ حتَّى إذَا بَلَغَ بَرْكَ الغِمادِ لَقِيَهُ ابنُ الدَّغِنَةِ و هُوَ سَيِّدُ القارَةِ فقالَ: أيْنَ تُرِيدُ يا أبا بَكْرٍ؟ فَقالَ أبُو بَكْرٍ: أخْرجَنِى قَوْمِى فأنَا أُرِيدُ أنْ أسِيحَ فى الأرْضِ فأعبدَ رَبِّى، قالَ ابنُ الدَّغِنَةِ: إنَّ مِثْلَكَ لا يَخْرُجُ ولا يُخْرَجُ، فإنَّكَ تَكْسِبُ المَعْدُومَ و تَصِلُ الرَّحِمَ، و تَحْمِلُ الكَلَّ، و

and kin, helps the disabled, provides guests with food and shelter, and helps the people during their troubles?" So, Quraish allowed Ibn Ad-Daghna's guarantee of protection and told Abū Bakr that he was secure, and said to Ibn Ad-Daghna, "Advise Abū Bakr to worship his Lord in his house and to pray and read what he liked and not to hurt us and not to do these things publicly, for we fear that our sons and women may follow him." Ibn Ad-Daghna told Abū Bakr of all that, so Abū Bakr continued worshipping his Lord in his house and did not pray or recite Qur'ān aloud except in his house. Later on Abū Bakr had an idea of building a mosque in the court yard of his house. He fulfilled that idea and started praying and reciting Qur'ān there publicly. The women and the offspring of the pagans started gathering around him and looking at him astonishingly. Abū Bakr was a soft-hearted person and could not help weeping while reciting Qur'ān. This horrified the polytheistic chiefs of Quraish. They sent for Ibn Ad-Daghna and when he came, they said, "We have given Abū Bakr protection on condition that he will worship his Lord in his house, but he has transgressed that condition and has built a mosque in the court yard of his house and offered his prayer and recited Qur'ān in public. We are afraid lest he mislead our women and offspring. So, go to him and tell him that if he wishes he can worship his Lord in his house only, and if not, then tell him to return your pledge of protection as we do not like to betray you

تَقْرِى الضَّيْفَ، وَتُعِينُ عَلَى نَوَائِبِ الْحَقِّ. وَأَنَا لَكَ جَارٌ فَارْجِعْ فَاعْبُدْ رَبَّكَ بِبِلَادِكَ. فَارْتَحَلَ ابْنُ الدَّغِنَةِ فَرَجَعَ مَعَ أَبِي بَكْرٍ فَطَافَ فِى أَشْرَافِ كُفَّارِ قُرَيْشٍ فَقَالَ لَهُمْ: إِنَّ أَبَا بَكْرٍ لَا يَخْرُجُ مِثْلُهُ وَلَا يُخْرَجُ. أَتُخْرِجُونَ رَجُلًا يَكْسِبُ الْمَعْدُومَ، وَيَصِلُ الرَّحِمَ وَيَحْمِلُ الْكَلَّ، وَيَقْرِى الضَّيْفَ، وَيُعِينُ عَلَى نَوَائِبِ الْحَقِّ؟ فَأَنْفَذَتْ قُرَيْشٌ جِوَارَ ابْنِ الدَّغِنَةِ وَآمَنُوا أَبَا بَكْرٍ وَقَالُوا لِابْنِ الدَّغِنَةِ: مُرْ أَبَا بَكْرٍ فَلْيَعْبُدْ رَبَّهُ فِى دَارِهِ، فَلْيُصَلِّ، وَلْيَقْرَأْ مَاشَاءَ، وَلَا يُؤْذِينَا بِذَلِكَ، وَلَا يَسْتَعْلِنْ بِهِ فَإِنَّا قَدْ خَشِينَا أَنْ يَفْتِنَ أَبْنَاءَنَا وَنِسَاءَنَا. قَالَ ذَلِكَ ابْنُ الدَّغِنَةِ لِأَبِي بَكْرٍ، فَطَفِقَ أَبُو بَكْرٍ يَعْبُدُ رَبَّهُ فِى دَارِهِ، وَلَا يَسْتَعْلِنُ بِالصَّلَاةِ، وَلَا الْقِرَاءَةِ فِى غَيْرِ دَارِهِ. ثُمَّ بَدَا لِأَبِي بَكْرٍ فَابْتَنَى مَسْجِدًا بِفِنَاءِ دَارِهِ وَبَرَزَ فَكَانَ يُصَلِّى فِيهِ وَيَقْرَأُ الْقُرْآنَ، فَيَتَقَصَّفُ عَلَيْهِ نِسَاءُ الْمُشْرِكِينَ وَأَبْنَاؤُهُمْ يَعْجَبُونَ وَيَنْظُرُونَ إِلَيْهِ. وَكَانَ أَبُو بَكْرٍ رَجُلًا بَكَّاءً لَا يَمْلِكُ دَمْعَهُ حِينَ يَقْرَأُ الْقُرْآنَ، فَأَفْزَعَ ذَلِكَ أَشْرَافَ قُرَيْشٍ مِنَ الْمُشْرِكِينَ، فَأَرْسَلُوا إِلَى ابْنِ الدَّغِنَةِ فَقَدِمَ عَلَيْهِمْ فَقَالُوا لَهُ: إِنَّا كُنَّا أَجَرْنَا أَبَا بَكْرٍ عَلَى

by revoking your pledge, nor can we tolerate Abū Bakr's public worshipping."

ʿAisha added: Ibn Ad-Daghna came to Abū Bakr and said, "You know the conditions on which I gave you protection, so you should either abide by those conditions or revoke my protection, as I do not like to hear the ʿArabs saying that Ibn Ad-Daghna gave the pledge of protection to a person and his people did not respect it." Abū Bakr said, "I revoke your pledge of protection and am satisfied with Allāh's protection." At that time Allāh's Apostle ﷺ was still in Mecca and he said to his companions, "Your place of emigration has been shown to me. I have seen salty land, planted with date-palms and situated between two mountains which are the two Ḥarrās." So, when the Prophet ﷺ told it, some of the companions migrated to Medīna, and some of those who had migrated to Ethiopia returned to Medīna. When Abū Bakr prepared for emigration, Allāh's Apostle ﷺ said to him, "Wait, for I expect to be permitted to emigrate." Abū Bakr asked, "May my father be sacrificed for your sake, do you really expect that?" Allāh's Apostle ﷺ replied in the affirmative. So, Abū Bakr postponed his departure in order to accompany Allāh's Apostle ﷺ and fed two camels which he had, with the leaves of Samor trees for four months.

أَنْ يَعْبُدَ رَبَّهُ فِى دَارِهِ، وَإِنَّهُ جَاوَزَ ذَلِكَ فَابْتَنَى مَسْجِدًا بِفِنَاءِ دَارِهِ وَأَعْلَنَ الصَّلَاةَ وَالقِرَاءَةَ، وَقَدْ خَشِينَا أَنْ يَفْتِنَ أَبْنَاءَنَا وَنِسَاءَنَا فَأْتِهِ، فَإِنْ أَحَبَّ أَنْ يَقْتَصِرَ عَلَى أَنْ يَعْبُدَ رَبَّهُ فِى دَارِهِ فَعَلَ، وَإِنْ أَبَى إِلَّا أَنْ يُعْلِنَ ذَلِكَ فَسَلْهُ أَنْ يَرُدَّ إِلَيْكَ ذِمَّتَكَ فَإِنَّا كَرِهْنَا أَنْ نُخْفِرَكَ وَلَسْنَا مُقِرِّينَ لِأَبِى بَكْرٍ الاسْتِعْلَانَ. قَالَتْ عَائِشَةُ: فَأَتَى ابْنُ الدَّغِنَةِ أَبَا بَكْرٍ فَقَالَ: قَدْ عَلِمْتَ الَّذِى عَقَدْتُ لَكَ عَلَيْهِ، فَإِمَّا أَنْ تَقْتَصِرَ عَلَى ذَلِكَ، وَإِمَّا أَنْ تَرُدَّ إِلَىَّ ذِمَّتِى فَإِنِّى لَا أُحِبُّ أَنْ تَسْمَعَ العَرَبُ أَنِّى أُخْفِرْتُ فِى رَجُلٍ عَقَدْتُ لَهُ، قَالَ أَبُو بَكْرٍ: إِنِّى أَرُدُّ إِلَيْكَ جِوَارَكَ وَأَرْضَى بِجِوَارِ اللهِ، وَرَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يَوْمَئِذٍ بِمَكَّةَ فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: قَدْ أُرِيتُ دَارَ هِجْرَتِكُمْ، رَأَيْتُ سَبْخَةً ذَاتَ نَخْلٍ بَيْنَ لَابَتَيْنِ وَهُمَا الحَرَّتَانِ؛ فَهَاجَرَ مَنْ هَاجَرَ قِبَلَ المَدِينَةِ حِينَ ذَكَرَ ذَلِكَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم، وَرَجَعَ إِلَى المَدِينَةِ بَعْضُ مَنْ كَانَ هَاجَرَ إِلَى أَرْضِ الحَبَشَةِ. وَتَجَهَّزَ أَبُو بَكْرٍ مُهَاجِرًا فَقَالَ لَهُ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: عَلَى رِسْلِكَ، فَإِنِّى أَرْجُو أَنْ يُؤْذَنَ لِى، قَالَ أَبُو بَكْرٍ:

هَلْ تَرْجُو ذَلِكَ بِأَبِي أَنْتَ ؟ قَالَ : نَعَمْ ، فَحَبَسَ أَبُو بَكْرٍ نَفْسَهُ عَلَى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم لِيَصْحَبَهُ وعَلَفَ رَاحِلَتَيْنِ كَانَتَا عِنْدَهُ وَرَقَ السَّمُرِ أَرْبَعَةَ أَشْهُرٍ .

CHAPTER. The debts.

بابُ الدَّيْنِ ،

495. Narrated Abū Huraia رضي الله عنه : Whenever a dead man in debt was brought to Allāh's Apostle ﷺ he would ask, "Has he left anything to repay his debt?" If he was informed that he had left something to repay his debts, he would offer his funeral prayer, otherwise he would tell the Muslims to offer their friend's funeral prayer. When Allāh made the Prophet ﷺ wealthy through conquests, he said, "I am more rightful than other believers to be the guardian of the believers, so if a Muslim dies while in debt, I am responsible for the repayment of his debt, and whoever leaves wealth (after his death) it will belong to his heirs."

٤٩٥ ـ حَدَّثَنَا يَحْيَى بنُ بُكَيْرٍ : حَدَّثَنَا اللَّيْثُ ، عَنْ عُقَيْلٍ ، عَنِ ابنِ شِهَابٍ ، عَنْ أَبِي سَلَمَةَ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم كَانَ يُؤْتَى بِالرَّجُلِ المُتَوَفَّى عَلَيْهِ الدَّيْنُ فَيَسْأَلُ : هَلْ تَرَكَ لِدَيْنِهِ فَضْلاً ؟ فَإِنْ حُدِّثَ أَنَّهُ تَرَكَ لِدَيْنِهِ وَفَاءً صَلَّى وَإِلاَّ قَالَ لِلْمُسْلِمِينَ صَلُّوا عَلَى صَاحِبِكُمْ . فَلَمَّا فَتَحَ اللهُ عَلَيْهِ الفُتُوحَ قَالَ : أَنَا أَوْلَى بِالمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ ، فَمَنْ تُوُفِّيَ مِنَ المُؤْمِنِينَ فَتَرَكَ دَيْناً فَعَلَيَّ قَضَاؤُهُ ، وَمَنْ تَرَكَ مَالاً فَلِوَرَثَتِهِ .

**In the Name of Allāh,
the most Beneficent, the most Merciful.**

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

THE BOOK OF REPRESENTATION (OR AUTHORIZATION)

كتاب الوكالة

CHAPTER. A partner can deputize for another while distributing things etc. No doubt, the Prophet ﷺ shared his Hadī (i.e. sacrificing animal) with ʿAlī and then ordered ʿAlī to distribute them.

وكالَةُ الشَّرِيكِ الشَّرِيكَ فى القِسْمَةِ وغَيرِها . وقَدْ أشْرَكَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم عَلِيًّا فى هَدْيِهِ ، ثُمَّ أمَرَهُ بِقِسْمَتِها .

496. Narrated ʿAlī ؓ : Allāh's Apostle ﷺ ordered me to distribute the saddles and skins of the Budn which I had slaughtered.

٤٩٦ ـ حدَّثَنا قَبِيصَةُ : حدَّثَنا سُفْيانُ ، عَنِ ابنِ أبى نَجِيحٍ ، عَنْ مُجاهِدٍ ، عَنْ عَبْدِ الرَّحْمَنِ بنِ أبى لَيْلى عَنْ عَلِىٍّ رَضِىَ اللهُ عَنْهُ قالَ : أمَرَنى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أنْ أتَصَدَّقَ بجِلالِ البُدْنِ الَّتى نُحِرَتْ وبجُلُودِها .

497. Narrated ʿUqba bin ʿĀmir ؓ that the Prophet ﷺ had given him sheep to distribute among his companions and a male kid was left (after the distribution). When he informed the Prophet ﷺ of it, he said (to him), "Offer it as a sacrifice on your behalf."

٤٩٧ ـ حدَّثَنا عَمْرُو بنُ خالِدٍ : حدَّثَنا اللَّيْثُ ، عَنْ يَزِيدَ ، عَنْ أبى الخَيرِ ، عَنْ عُقْبَةَ بنِ عامِرٍ رَضِىَ اللهُ عَنْهُ : أنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم أعْطاهُ غَنَمًا يَقْسِمُها عَلى صَحابَتِهِ فَبَقِىَ عَتُودٌ فَذَكَرَهُ للنَّبِىِّ صلى اللهُ عليهِ وسلَّم فقالَ : ضَحِّ بِهِ أنْتَ .

CHAPTER. If a Muslim deputizes a

بابٌ ـ إذا وكَّلَ المُسْلِمُ حَرْبِيًّا

non-Muslim warrior in a country of infidility or in a Muslim state, the contract is valid.

فى دَارِ الحَرْبِ أَوْ فى دَارِ الإِسْلامِ جازَ .

498. Narrated ˁAbdur-Raḥmān bin ˁAuf رضي الله عنه : I got an agreement written between me and Umaiya bin Khalaf that Umaiya would look after my property (or family) in Mecca and I would look after his in Medina. When I mentioned the word 'Ar-Raḥmān' in the documents, Umaiya said, "I do not know 'Ar-Raḥmān.' State down your name, you called yourself with in the Pre-Islamic Ignorant Period." So, I wrote my name 'ˁAbdu ˁAmr'. On the day (of the battle) of Badr, when all the people went to sleep, I went up the hill to protect him. Bilāl (1) saw him (i. e. Umaiya) and went to a gathering of Anṣār and said, "(Here is) Umaiya bin Khalaf! Woe to me if he escapes!" So, a group of Anṣār went out with Bilāl to follow us (ˁAbdur-Raḥmān and Umaiya). Being afraid that they would catch us, I left Umaiya's son for them to keep them busy but the Anṣār killed the son and insisted on following us. Umaiya was a fat man, and when they approached us, I told him to kneel down, and he knelt, and I laid myself on him to protect him, but the Anṣār killed him by passing their swords underneath me, and one of them injured my foot with his

٤٩٨ - حدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ قالَ : حدَّثَنِى يُوسُفُ بنُ المَاجِشُونَ ، عَنْ صَالِحِ بنِ إبْرَاهِيمَ ابنِ عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ ، عَنْ أَبِيهِ ، عَنْ جَدِّهِ عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ رَضِىَ اللهُ عَنْهُ قالَ : كاتَبْتُ أُمَيَّةَ ابنَ خَلَفٍ كتابا بأنْ يَحْفَظَنِى فى صَاغِيَتِى بمَكَّةَ ، و أَحْفَظَهُ فى صاغِيَتِه بالمَدِينَةِ . فلَمَّا ذَكَرْتُ الرَّحْمَنَ قالَ : لا أَعْرِفُ الرَّحْمَنَ ، كاتِبْنِى باسمكَ الَّذِى كانَ فى الجاهِلِيَّةِ . فكاتَبْتُهُ عَبْدُ عَمْرٍو . فلَمَّا كانَ فى يَوْمِ بَدْرٍ خَرَجْتُ إلى جَبَلٍ لأحْرِزَهُ حينَ نامَ النَّاسُ ، فأبْصَرَهُ بِلالٌ فَخَرَجَ حتَّى وقَفَ عَلَى مجْلِسٍ مِنَ الأنْصَارِ ، فقالَ أُمَيَّةَ بنَ خَلَفٍ : لا نَجَوْتُ إنْ نَجا أُمَيَّةُ ، فخَرَجَ مَعَهُ فَرِيقٌ مِنَ الأنْصارِ فى آثارِنا ، فلَمَّا خَشِيتُ أنْ يَلْحَقُونا خَلَّفْتُ لهُمُ ابْنَهُ لأشْغَلَهُمْ فقَتَلُوهُ ثُمَّ أبَوْا حتَّى يَتْبَعُونا ، وكانَ رَجُلاً ثَقِيلاً ، فلَمَّا أدْرَكُونا قُلْتُ لَهُ : ابْرُكْ ، فبَرَكَ فألْقَيْتُ عَلَيْهِ

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(1) Umaiya used to torture Bilāl severely when he was in Mecca because he had embraced Islam.

sword. (The sub-narrator said, "ʿAbdur-Raḥmān used to show us the trace of the wound on the back of his foot.")

CHAPTER. To deputize one in exchanging money and weighing goods. ʿUmar and Ibn ʿUmar deputized (a person) in money exchanges.

499. Narrated Abū Saʿīd Al-Khudrī and Abū Huraira ﵄: Allāh's Apostle ﷺ employed someone as a governor at Khaibar. When the man came to Medīna, he brought with him dates called Janīb. The Prophet ﷺ asked him, "Are all the dates of Khaibar of this kind?" The man replied, "(No), we exchange two Ṣāʿs of bad dates for one Ṣāʿ of this kind of dates (i. e. Janīb), or exchange three Ṣāʿs for two." On that, the Prophet ﷺ said, "Don't do so but sell the dates of inferior quality for money, and then buy Janīb with the money". The Prophet ﷺ said the same thing about dates sold by weight.

CHAPTER. If a shepherd or a deputy saw a dying sheep or something which is going to be spoiled, he is allowed to slaughter the sheep and save the thing liable to be spoiled.

نَفْسِي لأَمْنَعَهُ فَتَجَلَّلُوهُ بِالسُّيُوفِ مِنْ تَحْتِي حَتَّى قَتَلُوهُ، وَأَصَابَ أَحَدُهُمْ رِجْلِي بِسَيْفِهِ. وَكَانَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ يُرِينَا ذَلِكَ الأَثَرَ فِي ظَهْرِ قَدَمِهِ. قَالَ أَبُو عَبْدِ اللهِ: سَمِعَ يُوسُفُ صَالِحًا وَإِبْرَاهِيمُ أَبَاهُ.

بَابُ الْوَكَالَةِ فِي الصَّرْفِ وَالْمِيزَانِ، وَقَدْ وَكَّلَ عُمَرُ وَابْنُ عُمَرَ فِي الصَّرْفِ.

٤٩٩ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ عَبْدِ الْمَجِيدِ بْنِ سُهَيْلِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ وَأَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم اسْتَعْمَلَ رَجُلاً عَلَى خَيْبَرَ فَجَاءَهُمْ بِتَمْرٍ جَنِيبٍ فَقَالَ: أَكُلُّ تَمْرِ خَيْبَرَ هَكَذَا؟ فَقَالَ: إِنَّا لَنَأْخُذُ الصَّاعَ مِنْ هَذَا بِالصَّاعَيْنِ، وَالصَّاعَيْنِ بِالثَّلاثَةِ. فَقَالَ: لا تَفْعَلْ: بِعِ الْجَمْعَ بِالدَّرَاهِمِ، ثُمَّ ابْتَعْ بِالدَّرَاهِمِ جَنِيبًا. وَقَالَ فِي الْمِيزَانِ مِثْلَ ذَلِكَ.

بَابٌ إِذَا أَبْصَرَ الرَّاعِي أَوِ الْوَكِيلُ شَاةً تَمُوتُ أَوْ شَيْئًا يَفْسُدُ ذَبَحَ وَأَصْلَحَ مَا يَخَافُ عَلَيْهِ الْفَسَادَ.

500. Narrated Ibn Kaʿb bin Mālik from his father: We had some sheep which used to graze at Salaʿ. One of our slave-girls saw a sheep dying and she broke a stone and slaughtered the sheep with it. My father said to the people, "Don't eat it till I ask the Prophet ﷺ about it (or till I send somebody to ask the Prophet ﷺ)." So, he asked or sent somebody to ask the Prophet ﷺ, and the Prophet ﷺ permitted him to eat it. ʿUbaidullāh (a sub-narrator) said, "I admire that girl, for though she was a slave-girl, she dared to slaughter the sheep."

CHAPTER. It is permissible to depute a person whether he is present or absent. ʿUbaidullāh bin ʿAmr wrote to his representative who was not present, to pay (Ṣadaqat-al-Fiṭr) on behalf of the children and the grown-ups of his family.

501. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ owed somebody a camel of a certain age. When he came to demand it back, the Prophet ﷺ said (to some people), "Give him (his due)." When the people searched for a camel of that age, they found none, but found a camel one year older. The Prophet ﷺ said, "Give (it to) him." On that, the man remarked, "You have given me my

٥٠٠ ـ حَدَّثَنِي إِسحَاقُ بنُ إِبرَاهِيمَ: سَمِعَ المُعْتَمِرَ: أَنْبَأَنَا عُبَيْدُ اللهِ، عَنْ نَافِعٍ: أَنَّهُ سَمِعَ ابنَ كَعْبِ بنِ مالِكٍ يُحَدِّثُ عَنْ أَبِيهِ أَنَّهُ كانَتْ لَهُمْ غَنَمٌ تَرْعَى بِسَلْعٍ. فَأَبْصَرَتْ جارِيَةٌ لَنَا بِشاةٍ مِنْ غَنَمِنا مَوْتًا فَكَسَرَتْ حَجَرًا فَذَبَحَتْها بِهِ فَقَالَ لَهُمْ: لا تَأْكُلُوا حَتَّى أَسْأَلَ النَّبِيَّ صلى اللهُ عليهِ وسلَّم أَوْ أُرْسِلَ إِلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم مَنْ يَسْأَلُهُ. وأَنَّهُ سَأَلَ النَّبِيَّ صلى اللهُ عليهِ وسلَّم عَنْ ذَاكَ أَوْ أَرْسَلَ فَأَمَرَهُ بِأَكْلِها. قالَ عُبَيْدُ اللهِ: فَيُعْجِبُنِي أَنَّها أَمَةٌ وأَنَّها ذَبَحَتْ، تابَعَهُ عَبْدَةُ عَنْ عُبَيْدِ اللهِ.

بابٌ ـ وَكالَةُ الشَّاهِدِ والغائِبِ جائِزَةٌ، وكَتَبَ عَبْدُ اللهِ بنُ عَمْرٍو إِلى قَهْرَمانِهِ وهُوَ غائِبٌ عَنْهُ أَنْ يُزَكِّيَ عَنْ أَهْلِهِ الصَّغِيرِ والكَبِيرِ.

٥٠١ ـ حَدَّثَنا أَبُو نُعَيمٍ: حَدَّثَنا سُفْيانُ، عَنْ سَلَمَةَ بنِ كُهَيْلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: كانَ لِرَجُلٍ عَلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم سِنٌّ مِنَ الإِبِلِ فَجاءَهُ يَتَقاضاهُ فَقالَ: أَعْطُوهُ. فَطَلَبُوا سِنَّهُ فَلَمْ يَجِدُوا لَهُ إِلَّا سِنًّا فَوْقَها. فَقالَ: أَعْطُوهُ. فَقالَ: أَوْفَيْتَنِي أَوْفَى اللهُ بِكَ. قالَ

right in full. May Allāh give you in full." The Prophet ﷺ said, "The best amongst you is the one who pays the rights of others generously."

CHAPTER. To depute a person to repay debts.

502. Narrated Abū Huraira ؓ : A man came to the Prophet ﷺ demanding his debts and behaved rudely. The companions of the Prophet ﷺ intended to harm him, but Allāh's Apostle ﷺ said (to them), "Leave him, for the creditor (i.e. owner of a right) has the right to speak." Allāh's Apostle ﷺ then said, "Give him a camel of the same age as that of his." The people said, "O Allāh's Apostle! There is only a camel that is older than his." Allāh's Apostle ﷺ said, "Give (it to) him, for the best amongst you is he who pays the rights of others handsomely."

CHAPTER. It is permissible for one to give a gift to a deputy (of some people) or to their intercessor. This is confirmed by the statement of the Prophet ﷺ to the delegates of the tribe of Hawāzin when they appealed to him to return the booty to them. The Prophet ﷺ said, "I give my share to you."

503. Narrated Marwān bin Al-Ḥakam and Al-Miswar bin Makhrama: When the delegates of the tribe of Hawāzin after embracing Islām, came to Allāh's Apostle ﷺ, he got up. They appealed to him

النَّبِيُّ صلى اللهُ عليهِ وسلَّم: إنَّ خِيارَكُمْ أَحْسَنُكُمْ قَضاءً.

بابُ الوَكالَةِ فِي قَضاءِ الدُّيُونِ.

٥٠٢ - حدَّثَنا سُلَيمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ سَلَمَةَ بنِ كُهَيْلٍ: سَمِعْتُ أبا سَلَمَةَ بنَ عَبْدِ الرَّحْمَنِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَجُلاً أتَى النَّبِيَّ صلى اللهُ عليهِ وسلَّم يَتَقاضاهُ فَأَغْلَظَ فَهَمَّ بِهِ أصْحابُهُ، فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: دَعُوهُ فإنَّ لِصاحِبِ الحَقِّ مَقالاً، ثُمَّ قالَ: أعْطُوهُ سِنًّا مِثْلَ سِنِّهِ، قالوا: يا رَسُولَ اللهِ إلاَّ أمْثَلَ مِنْ سِنِّهِ. فَقالَ: أعْطُوهُ، فإنَّ مِنْ خَيْرِكُمْ أحْسَنَكُمْ قَضاءً.

بابٌ إذا وَهَبَ شَيْئاً لِوَكيلٍ أوْ شَفِيعِ قَوْمٍ جازَ لِقَوْلِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم لِوَفْدِ هَوازِنَ حِينَ سَألُوهُ المَغانِمَ، فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: نَصِيبِي لَكُمْ.

٥٠٣ - حدَّثَنا سَعِيدُ بنُ عُفَيْرٍ قالَ: حدَّثَني اللَّيْثُ قالَ: حدَّثَني عُقَيْلٌ، عَنِ ابنِ شِهابٍ قالَ: وزَعَمَ عُرْوَةُ أنَّ مَرْوانَ بنَ الحَكَمِ والمِسْوَرَ بنَ

to return their properties and their war prisoners. Allāh's Apostle ﷺ said to them, "The most beloved speech to me is the truest. So, you have the option of restoring your properties or your prisoners, for I have delayed distributing them." Allāh's Apostle ﷺ had been waiting for them for more than ten days on his return from Ṭā'if. When they realised that Allāh's Apostle ﷺ would return to them only one of the two things, they said, "We choose our prisoners." So, Allāh's Apostle ﷺ got up in the gathering of the Muslims, praised Allāh as He deserved, and said, "Now your present brethren have come to you with repentance and I intend to return their prisoners to them. So, whoever amongst you wants to give up his share generously (without getting compensation), it is well done, and whoever wants to give up his share and keep his right for compensation till we give it to him from the first booty that Allāh will give us, he should give up his share." The people replied, "We agree to give up our shares willingly (without hoping for compensation) for the sake of Allāh's Apostle ﷺ." Then Allāh's Apostle ﷺ said, "We don't know who amongst you has agreed and who hasn't. Go back so that your chiefs may tell us your opinion." So, all of them returned and their chiefs discussed the matter with them and then they (i.e. their chiefs) came to Allāh's Apostle ﷺ to tell him that they (i. e. the people)

مَخْرَمَةَ أَخْبَرَاهُ أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قامَ حِينَ جاءَهُ وَفْدُ هَوَازِنَ مُسْلِمِينَ. فَسَأَلُوهُ أَنْ يَرُدَّ إِلَيْهِمْ أَمْوالَهم وسَبْيَهُمْ، فقالَ لهُمْ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : أَحَبُّ الحَدِيثِ إِلَيَّ أَصْدَقُهُ فاخْتارُوا إِحْدَى الطَّائِفَتَيْنِ : إِمَّا السَّبْيَ وإِمَّا المَالَ. فَقَدْ كُنْتُ اسْتَأْنَيْتُ بِهِمْ، وقَدْ كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم انْتَظَرَهُمْ بِضْعَ عَشْرَةَ لَيْلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ. فَلَمَّا تَبَيَّنَ لهُمْ أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم غَيْرُ رَادٍّ إِلاَّ إِحْدَى الطَّائِفَتَيْنِ قالُوا: فإِنَّا نَخْتَارُ سَبْيَنَا. فَقامَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فى المُسْلِمِينَ فَأَثْنَى عَلَى اللهِ بِما هُوَ أَهْلُهُ ثُمَّ قالَ: أَمَّا بَعْدُ، فإِنَّ إِخْوَانَكُمْ هَؤُلاءِ قَدْ جاءُونا تائِبِينَ، وإِنِّى قَدْ رَأَيْتُ أَنْ أَرُدَّ إِلَيْهِمْ سَبْيَهُمْ. فَمَنْ أَحَبَّ مِنْكُمْ أَنْ يُطَيِّبَ بِذَلِكَ فَلْيَفْعَلْ، ومَنْ أَحَبَّ مِنْكُمْ أَنْ يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ ما يُفِيءُ اللهُ عَلَيْنا فَلْيَفْعَلْ. فَقالَ النَّاسُ : قَدْ طَيَّبْنا ذلكَ لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، لَهُمْ فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : إِنَّا لا نَدْرِى مَنْ أَذِنَ مِنْكُمْ فى ذلكَ مِمَّنْ لَمْ يَأْذَنْ، فارْجِعُوا حَتَّى يَرْفَعُوا إِلَيْنا عُرَفاؤُكُمْ أَمْرَكُمْ. فَرَجَعَ النَّاسُ فَكَلَّمَهُمْ

had given up their shares gladly and willingly.

CHAPTER. If someone deputes a person to give something but does not mention how much to give, it is permissible for the deputy to distribute it amongst the people according to the conventional custom.

504. Narrated Jābir bin ᶜAbdullāh ﵁: I was accompanying the Prophet ﷺ on a journey and was riding a slow camel that was lagging behind the others. The Prophet ﷺ passed by me and asked, "Who is this?" I replied, "Jabir bin ᶜAbdullāh." He asked, "What is the matter, (why are you late)?" I replied, "I am riding a slow camel." He asked, "Do you have a stick?" I replied in the affirmative. He said, "Give it to me." When I gave it to him, he beat the camel and rebuked it so that the camel surpassed the others thenceforth. The Prophet ﷺ said, "Sell it to me." I replied, "It is (a gift) for you, O Allāh's Apostle." He said, "Sell it to me. I have bought it for four Dīnārs (gold pieces) and you can keep on riding it till Medīna." When we approached Medīna, I started going (towards my house). The Prophet ﷺ said, "Where are you going?" I said, "I have married a widow." He said, "Why have you not married a virgin to fondle with each other?" I said, "My

عُرَفاؤُهُمْ ثُمَّ رَجَعُوا إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فأخبَرُوهُ أنَّهُمْ قَدْ طَيَّبُوا و أذِنُوا .

بابٌ ـ إذَا وكَّلَ رَجُلٌ رَجُلا أنْ يُعْطِىَ شَيْئًا ولمْ يُبَيِّنْ كَمْ يُعْطِى فأعْطَى عَلى ما يَتَعارَفُهُ النَّاسُ .

٥٠٤ ـ حدَّثَنا المَكِّىُّ بنُ إبْرَاهِيمَ : حدَّثَنا ابنُ جُرَيْجٍ ، عَنْ عَطاءِ بنِ أبى رَباحٍ و غَيرِهِ ، يَزِيدُ بَعْضُهُمْ عَلَى بَعْضٍ ، ولمْ يُبَلِّغْهُ كُلُّهُمْ رجلٌ منهم ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُما قالَ : كُنْتُ مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم فى سَفَرٍ فَكُنْتُ عَلى جَمَلٍ ثَفالٍ إنَّما هُوَ فى آخِرِ القَوْمِ ، فمَرَّ بِى النَّبِىُّ صلى اللهُ عليهِ وسلَّم فقالَ : مَنْ هذَا ؟ قُلْتُ : جابِرُ بنُ عَبْدِ اللهِ : قالَ : مالكَ ؟ قُلْتُ : إنِّى عَلى جَمَلٍ ثَفالٍ ، قالَ : أمَعَكَ قَضِيبٌ ؟ قُلْتُ : نَعَمْ ، قالَ : أعْطِنِيهِ ، فأعْطَيْتُهُ فَضَرَبَهُ فَزَجَرَهُ فَكانَ مِنْ ذَلكَ المَكانِ مِنْ أوَّلِ القَوْمِ . قالَ : بِعْنِيهِ ، فَقُلْتُ : بَلْ هُوَ لكَ يارَسُولَ اللهِ قالَ : بِعْنِيهِ ، قَدْ أخَذْتُهُ بأرْبَعَةِ دَنانِيرَ ولكَ ظَهْرُهُ إلى المَدِينَةِ . فَلَمَّا دَنَوْنا مِنَ المَدِينَةِ أخَذْتُ أرْتَحِلُ ، قالَ : أيْنَ تُرِيدُ ؟ قُلْتُ : تَزَوَّجْتُ امْرَأةً

father died and left some daughters, so I decided to marry a widow (an experienced woman) (to look after them)." He said, "Well done." When we reached Medina, Allāh's Apostle ﷺ said, "O Bilāl, pay him (the price of the camel) and give him extra money." Bilāl gave me four Dinars and one Qirāṭ extra. (A sub-narrator said): Jābir added, "The extra Qirāṭ of Allāh's Apostle ﷺ never parted from me." The Qirāṭ was always in Jabir bin ᶜAbdullāh's purse. (1)

قَدْ خَلَا مِنْهَا، قَالَ: فَهَلَّا جَارِيَةً تُلَاعِبُهَا وَتُلَاعِبُكَ؟ قُلْتُ: إِنَّ أَبِي تُوُفِّيَ وَتَرَكَ بَنَاتٍ فَأَرَدْتُ أَنْ أَنْكِحَ امْرَأَةً قَدْ جَرَّبَتْ خَلَا مِنْهَا. قَالَ: فَذَلِكَ. فَلَمَّا قَدِمْنَا المَدِينَةَ قَالَ: يَا بِلَالُ أَقْضِهِ وَزِدْهُ، فَأَعْطَاهُ أَرْبَعَةَ دَنَانِيرَ وَزَادَهُ قِيرَاطًا. قَالَ جَابِرٌ: لَا تُفَارِقُنِي زِيَادَةُ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَلَمْ يَكُنِ القِيرَاطُ يُفَارِقُ جِرَابَ جَابِرِ بْنِ عَبْدِ اللهِ.

CHAPTER. A woman can depute the ruler in the matter of marriage.

بَابُ وَكَالَةِ المَرْأَةِ الإِمَامَ فى النِّكَاحِ.

505. Narrated Sahl bin Saᶜd ؓ: A woman came to Allāh's Apostle ﷺ and said, "O Allāh's Apostle! I want to give up myself to you." A man said, "Marry her to me." The Prophet ﷺ said, "We agree to marry her to you with what you memorize of the Qurᵓān."

٥٠٥ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ ابْنِ سَعْدٍ قَالَ: جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَقَالَتْ: يَا رَسُولَ اللهِ، إِنِّي قَدْ وَهَبْتُ لَكَ مِنْ نَفْسِي. فَقَالَ رَجُلٌ: زَوِّجْنِيهَا، قَالَ: قَدْ زَوَّجْنَاكَهَا بِمَا مَعَكَ مِنَ القُرْآنِ.

CHAPTER. If a person deputes somebody, and the deputy leaves something, and the owner agrees that, then it is allowed, and if the deputy lends something of what is in his custody, for a specific time, it is permissible (if the owner agrees).

بَابٌ إِذَ وَكَّلَ رَجُلًا فَتَرَكَ الوَكِيلُ شَيْئًا فَأَجَازَهُ المُوَكِّلُ فَهُوَ جَائِزٌ. وَإِنْ أَقْرَضَهُ إِلَى أَجَلٍ مُسَمًّى جَازَ. وَقَالَ عُثْمَانُ بْنُ الهَيْثَمِ أَبُو عَمْرٍو:

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(1) The Prophet ﷺ did not mention how much extra money Bilāl was to give, so Bilāl gave according to convention.

Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ deputed me to keep Ṣadaqat (-al-Fiṭr) of Ramaḍān. A comer (1) came and started taking handfuls of the foodstuff (of the Ṣadaqa) (stealthily). I took hold of him and said, "By Allāh, I will take you to Allāh's Apostle ﷺ." He said, "I am needy and have many dependents, and I am in great need." I released him, and in the morning Allāh's Apostle ﷺ asked me, "What did your prisoner do yesterday?" (2) I said, "O Allāh's Apostle! The person complained of being needy and of having many dependents, so, I pitied him and let him go." Allāh's Apostle ﷺ said, "Indeed, he told you a lie and he will be coming again." I believed that he would show up again as Allāh's Apostle ﷺ had told me that he would return. So, I waited for him watchfully. When he (showed up and) started stealing handfuls of foodstuff, I caught hold of him again and said, "I will definitely take you to Allāh's Apostle ﷺ. He said, "Leave me, for I am very needy and have many dependents. I promise I will not come back again." I pitied him and let him go. In the morning Allāh's Apostle ﷺ asked me, "What did your prisoner do?" I replied, "O Allāh's Apostle! He complained of his great need and too many

حَدَّثَنَا عَوْفٌ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: وَكَّلَنِي رَسُولُ اللهِ صلى اللهُ عليه وسلَّم بِحِفْظِ زَكَاةِ رَمَضَانَ فَأَتَانِي آتٍ فَجَعَلَ يَحْثُو مِنَ الطَّعَامِ فَأَخَذْتُهُ وَقُلْتُ: وَاللهِ لَأَرْفَعَنَّكَ إِلَى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم، قَالَ: إِنِّي مُحْتَاجٌ وَعَلَيَّ عِيَالٌ وَلِي حَاجَةٌ شَدِيدَةٌ. قَالَ: فَخَلَّيْتُ عَنْهُ، فَأَصْبَحْتُ فَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: يَا أَبَا هُرَيْرَةَ: مَا فَعَلَ أَسِيرُكَ الْبَارِحَةَ؟ قَالَ: قُلْتُ يَا رَسُولَ اللهِ شَكَا حَاجَةً شَدِيدَةً وَعِيَالاً فَرَحِمْتُهُ فَخَلَّيْتُ سَبِيلَهُ. قَالَ: أَمَا إِنَّهُ قَدْ كَذَبَكَ وَسَيَعُودُ، فَعَرَفْتُ أَنَّهُ سَيَعُودُ لِقَوْلِ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم إِنَّهُ سَيَعُودُ. فَرَصَدْتُهُ، فَجَعَلَ يَحْثُو مِنَ الطَّعَامِ فَأَخَذْتُهُ فَقُلْتُ: لَأَرْفَعَنَّكَ إِلَى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم، قَالَ دَعْنِي فَإِنِّي مُحْتَاجٌ وَعَلَيَّ عِيَالٌ، لَا أَعُودُ، فَرَحِمْتُهُ فَخَلَّيْتُ سَبِيلَهُ. فَأَصْبَحْتُ فَقَالَ لِي رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: يَا أَبَا هُرَيْرَةَ. مَا فَعَلَ أَسِيرُكَ؟ قُلْتُ: يَا رَسُولَ اللهِ. شَكَا حَاجَةً شَدِيدَةً وَعِيَالاً فَرَحِمْتُهُ

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(1) Comer: A Jinn (satan)

(2) Allāh's Apostle ﷺ was inspired divinely of the whole story and this was why he asked Abū Huraira though Abū Huraira had told him nothing.

dependents, so I took pity on him and set him free." Allāh's Apostle ﷺ said, "Verily, he told you a lie and he will return." I waited for him attentively for the third time, and when he (came and) started stealing handfuls of the foodstuff, I caught hold of him and said, "I will surely take you to Allāh's Apostle ﷺ as it is the third time you promise not to return, yet you break your promise and come." He said, "(Forgive me and) I will teach you some words, Allāh will benefit you by." I asked, "What are they?" He replied, "Whenever you go to bed, recite "Āyat-al-Kursī"—'Allāhu lā ilāha illā huwa-l-Ḥaiy-ul Qaiyūm' (1) till you finish the whole verse. (If you do so), Allāh will appoint a guard for you who will stay with you and no satan will come near you till morning." So, I released him. In the morning, Allāh's Apostle ﷺ asked, "What did your prisoner do yesterday?" I replied, "He claimed that he would teach me some words by which Allāh will benefit me, so I let him go." Allāh's Apostle ﷺ asked, "What are they?" I replied, "He said to me, 'Whenever you go to bed, recite Āyat-al-Kursī from the beginning to the end——Allāhu lā ilāha illā huwa-l-Ḥaiy-ul-Qaiyūm——.' He further said to me, '(If you do so), Allāh will appoint a guard for you who will stay with you, and no satan will come near you till morning.' (Abū Huraira or another sub-narrator)

فَخَلَّيْتُ سَبِيلَهُ. قالَ: أما إنَّهُ قَدْ كَذَبَكَ وسَيَعُودُ. فرَصَدْتُهُ الثَّالِثَةَ فَجَعَلَ يَحْثُو مِنَ الطَّعامِ فأخَذْتُهُ، فَقُلْتُ: لأَرْفَعَنَّكَ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم وهذَا آخِرُ ثلاثِ مَرَّاتٍ أنَّكَ تَزْعُمُ لا تَعُودُ ثُمَّ تَعُودُ. قالَ: دَعْنى أُعَلِّمْكَ كَلِماتٍ يَنْفَعُكَ اللهُ بِها، قُلْتُ: ما هُنَّ؟ قالَ: إذَا أوَيْتَ إلى فِراشِكَ فاقْرأْ آيَةَ الكُرْسِى ـ اللهُ لا إلَهَ إلاَّ هُوَ الحَىُّ القَيُّومُ ـ حتَّى تَخْتِمَ الآيَةَ فإنَّكَ لَنْ يَزَالَ عَلَيْكَ مِنَ اللهِ حافِظٌ ولا يَقْرَبَنَّكَ شَيْطانٌ حتَّى تُصْبِحَ، فَخَلَّيْتُ سَبِيلَهُ. فأصْبَحْتُ فقَالَ لى رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: ما فَعَلَ أسِيرُكَ البارِحَةَ؟ قُلْتُ: يا رَسُولَ اللهِ، زَعَمَ أنَّهُ يُعَلِّمُنِى كَلِماتٍ يَنْفَعُنِى اللهُ بِها فَخَلَّيْتُ سَبِيلَهُ. قالَ: ما هِىَ؟ قُلْتُ: قالَ لى: إذَا أوَيْتَ إلى فِراشِكَ. فاقْرَأْ آيَةَ الكُرْسِى من أوَّلِها حتَّى تَخْتِمَ ـ اللهُ لا إلَهَ إلاَّ هُوَ الحَىُّ القَيُّومُ ـ وقالَ لى: لَنْ يَزَالَ عَلَيْكَ مِنَ اللهِ حافِظٌ ولا يَقْرَبَكَ شَيْطانٌ حتَّى تُصْبِحَ. وكانُوا أحْرَصَ شَىْءٍ على الخَيْرِ فقَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: أما إنَّهُ قَدْ صَدَقَكَ وهُوَ كَذُوبٌ، تَعْلَمُ مَنْ تُخاطِبُ مُنْذُ ثَلاثِ لَيالٍ يا أبا هُرَيْرَةَ؟

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(1) Sūrat-al-Baqara verse No. 255.

added that they (the companions) were very keen to do good deeds. The Prophet ﷺ said, " He really spoke the truth, although he is absolutely a liar. Do you know whom you were talking to, these three nights, O Abū Huraira ? " Abū Huraira said, " No." He said, " It was Satan."

CHAPTER. If a deputy sells something in an illegal manner, the transaction is invalid.

506. Narrated Abū Sa'id al-Khudrī ؓ : Once Bilāl brought Barni (i.e. a kind of dates) to the Prophet ﷺ and the Prophet ﷺ asked him, " From where have you brought these ? " Bilāl replied, " I had some inferior type of dates and exchanged two Sa's of it for one Sa of Barni dates in order to give it to the Prophet ﷺ to eat." There upon the Prophet ﷺ said, " Oh ! Oh ! This is surely Ribā itself, Ribā (1) itself ! Don't do so, but if you want to buy (a superior kind of dates) sell the inferior dates for money and then buy the superior kind of dates with that money."

CHAPTER. The deputyship for managing the Waqf (religious endowment) and the expenses of the trustee. The trustee can provide his friends from it and he himself can eat from it reasonably.

قالَ: لا ، قالَ: ذَاكَ شَيْطانٌ.

بابٌ إذَا باعَ الوَكيلُ شَيْئًا فاسِدًا فَبَيْعُهُ مَرْدُودٌ.

٥٠٦ ـ حدَّثَنا إسحَاقُ: حدَّثَنا يَحْيَى بنُ صَالحٍ: حدَّثَنا مُعاوِيَةُ هُوَ ابنُ سَلاَّمٍ ، عَنْ يَحْيَى قالَ: سَمِعْتُ عُقْبَةَ بنَ عَبْدِ الغافِرِ: أنَّهُ سَمِعَ أبا سَعِيدٍ الخُدْرِيَّ رَضِيَ اللهُ عَنْهُ قالَ: جاءَ بِلالٌ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم بِتَمْرٍ بَرْنِيَ ، فقالَ لَهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: مِنْ أيْنَ هذَا؟ قالَ بِلالٌ: كانَ عِنْدِي تَمْرٌ رَدِيءٌ فبِعْتُ مِنْهُ صَاعَيْنِ بِصاعٍ لِنُطْعِمَ النَّبِيَّ صلى اللهُ عليهِ وسلَّم. فقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم عِنْدَ ذلكَ: أوَّهْ أوَّهْ. عَيْنُ الرِّبا ، عَينُ الرِّبا ، لا تَفْعَلْ. ولكِنْ إذَا أرَدْتَ أنْ تَشْتَرِيَ فَبِعِ التَّمْرَ بِبَيْعٍ آخَرَ ثُمَّ اشْتَرِ بِهِ.

بابُ الوَكالَةِ فِي الوَقْفِ و نَفَقَتِهِ. و أنْ يُطْعِمَ صَدِيقًا لهُ و يَأكُلَ بالمَعْرُوفِ.

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(1) Ribā : See the glossary.

507. Narrated ᶜAmr concerning the Waqf of ᶜUmar رضي الله عنه : It was not sinful of the trustee (of the Waqf) to eat or provide his friends from it, provided the trustee had no intention of collecting fortune (for himself). Ibn ᶜUmar was the manager of the trust of ᶜUmar and he used to give presents from it to those with whom he used to stay at Mecca.

٥٠٧ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرٍو، قَالَ فِي صَدَقَةِ عُمَرَ رَضِيَ اللهُ عَنْهُ: لَيْسَ عَلَى الوَلِيِّ جُنَاحٌ أَنْ يَأْكُلَ وَيُؤْكِلَ صَدِيقًا غَيْرَ مُتَأَثِّلٍ مالاً. فَكَانَ ابنُ عُمَرَ هُوَ يَلِي صَدَقَةَ عُمَرَ، يُهْدِي لِنَاسٍ مِنْ أَهْلِ مَكَّةَ يَنْزِلُ عَلَيْهِمْ.

CHAPTER. To depute a person to carry out a legal divinely ordained punishment.

بَابُ الوَكَالَةِ فِي الحُدُودِ.

508. Narrated Zaid bin Khālid and Abū Huraira رضي الله عنهما : The Prophet ﷺ said, "O Unais! Go to the wife of this (man) and if she confesses (that she has committed illegal sexual intercourse), then stone her to death."

٥٠٨ - حَدَّثَنَا أَبُو الوَلِيدِ: أَخْبَرَنَا اللَّيْثُ، عَنِ ابنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ، عَنْ زَيْدِ بنِ خَالِدٍ وأَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُمَا، عَنِ النَّبِيِّ صلى الله عليه وسلم قَالَ: وَاغْدُ يَا أُنَيْسُ إِلَى امْرَأَةِ هٰذَا فَإِنِ اعْتَرَفَتْ فَارْجُمْهَا.

509. Narrated ᶜUqba bin Al-Ḥārith رضي الله عنه : When An-Nuamān or his son was brought in a state of drunkenness, Allāh's Apostle ﷺ ordered all those who were present in the house to beat him. I was one of those who beat him. We beat him with shoes and palm-leaf stalks.

٥٠٩ - حَدَّثَنَا ابنُ سَلَامٍ: أَخْبَرَنَا عَبْدُ الوَهَّابِ الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنِ ابنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بنِ الحَارِثِ قَالَ: جِيءَ بِالنُّعَيْمَانِ أَوِ ابنِ النُّعَيْمَانِ شَارِبًا، فَأَمَرَ رَسُولُ اللهِ صلى الله عليه وسلم مَنْ كَانَ فِي البَيْتِ أَنْ يَضْرِبُوهُ، قَالَ: فَكُنْتُ أَنَا فِيمَنْ ضَرَبَهُ فَضَرَبْنَاهُ بِالنِّعَالِ وَالجَرِيدِ.

CHAPTER. To depute someone to sacrifice Budn (camels for sacrifice) and to look after them.

بَابُ الوَكَالَةِ فِي البُدْنِ وَتَعَاهُدِهَا.

510. Narrated 'Aisha ﵂ : I twisted the garlands of the Hadis (i. e. animals for sacrifice) of Allāh's Apostle ﷺ with my own hands. Then Allāh's Apostle ﷺ put them around their necks with his own hands, and sent them with my father (to Mecca). Nothing legal was regarded illegal for Allāh's Apostle ﷺ till the animals were slaughtered. (1)

٥١٠ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرِ بْنِ حَزْمٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ: أَنَّهَا أَخْبَرَتْهُ قَالَتْ عَائِشَةُ رَضِيَ اللهُ عَنْهَا: أَنَا فَتَلْتُ قَلَائِدَ هَدْيِ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم بِيَدَيَّ، ثُمَّ قَلَّدَهَا رَسُولُ اللهِ صلى اللهُ عليه وسلَّم بِيَدَيْهِ، ثُمَّ بَعَثَ بِهَا مَعَ أَبِي، فَلَمْ يَحْرُمْ عَلَى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم شَيْءٌ أَحَلَّهُ اللهُ لَهُ حَتَّى نُحِرَ الْهَدْيُ.

CHAPTER. If a person tells his deputy, "Spend it as Allāh directs you," and the deputy says, "I have heard what you have said."

بَابٌ إِذَا قَالَ الرَّجُلُ لِوَكِيلِهِ: ضَعْهُ حَيْثُ أَرَاكَ اللهُ. وَقَالَ الْوَكِيلُ: قَدْ سَمِعْتُ مَا قُلْتَ.

511. Narrated Anas bin Mālik ﵁ : Abu Talha was the richest man in Medina amongst the Anṣār and Beeruḥā' (garden) was the most beloved of his property, and it was facing the mosque (of the Prophet ﷺ). Allāh's Apostle ﷺ used to enter it and drink from its sweet water. When the following Divine Verse came: 'You will not be righteous till you spend in charity of the things you love' (3:93), Abū Talḥa got up in front of Allāh's Apostle ﷺ and said, "O Allāh's Apostle! Allāh ﷻ says in His Book, 'You will

٥١١ - حَدَّثَنِي يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللهِ: أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ رَضِيَ اللهُ عَنْهُ يَقُولُ: كَانَ أَبُو طَلْحَةَ أَكْثَرَ الأَنْصَارِ بِالْمَدِينَةِ مَالًا. وَكَانَ أَحَبُّ أَمْوَالِهِ إِلَيْهِ بِيرُحَاءَ، وَكَانَتْ مُسْتَقْبِلَةَ الْمَسْجِدِ. وَكَانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم يَدْخُلُهَا وَيَشْرَبُ مِنْ مَاءٍ فِيهَا طَيِّبٍ، فَلَمَّا نَزَلَتْ - لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ -

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(1) Sending the Hadi to Mecca while one is somewhere else, does not require that one should be treated as a Muhrim.

قامَ أبُو طَلْحَةَ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: يا رَسُولَ اللهِ إنَّ اللهَ تَعالى يَقُولُ في كِتابِهِ ـ لَنْ تَنالُوا البِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ ـ و إنَّ أحَبَّ إلىَّ بِيرُحاءِ، و إنَّها صَدَقَةٌ للهِ أرْجُو بِرَّها وذُخْرَها عِنْدَ اللهِ، فَضَعْها يا رسُولَ اللهِ حَيْثُ شِئْتَ. فقالَ: بَخٍ، ذلكَ مالٌ رَائحٌ، ذَلكَ مالٌ رَائحٌ، قَدْ سَمِعْتُ ما قُلْتَ فيها و أرَى أنْ تَجْعَلَهَا في الأقْرَبِينَ. قالَ: أفْعَلُ يا رَسُولَ اللهِ، فَقَسَمَها أبُو طَلْحَةَ في أقارِبِهِ و بَنِي عَمِّهِ. تابَعَهُ إسماعِيلُ، عَنْ مالِكٍ. و قالَ رَوْحٌ، عَنْ مالِكٍ: رَابِحٌ.

not be righteous till you spend in charity of the things you love,' and verily, the most beloved part of my property to me is Beeruha , so I give it in charity and hope for its reward from Allāh. O Allāh's Apostle! Spend it wherever you like." Allāh's Apostle ﷺ appreciated that and said, "That is perishable wealth, that is perishable wealth. I have heard what you have said ; I suggest you to distribute it among your relatives." (1) Abū Ṭalḥa said, "I will do so, O Allāh's Apostle." So, Abū Ṭalḥa distributed it among his relatives and cousins.

(Rawḥ says, "That is a profitable wealth," instead of "perishable wealth".)

بابُ وكالَةِ الأمينِ في الخِزانَةِ ونَحْوِها.

CHAPTER. To depute a trustworthy treasurer for the treasury and similar things.

٥١٢ ـ حدَّثَني مُحَمَّدُ بنُ العَلاءِ: حدَّثَنا أبُو أُسامَةَ، عَنْ بُرَيْدِ بنِ عَبْدِ اللهِ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ: الخازِنُ الأمينُ الَّذي يُنْفِقُ، و رُبَّما قالَ: الَّذي يُعْطِي ما أُمِرَ بِهِ كامِلاً مُوَفَّراً، طَيِّباً نَفْسُهُ إلى الَّذي أُمِرَ بِهِ أحَدُ المُتَصَدِّقَيْنِ.

512. Narrated Abū Mūsā رضي الله عنه : The Prophet ﷺ said, "An honest treasurer who gives what he is ordered to give fully and perfectly and willingly to the person to whom he is ordered to give, is regarded as one of the two charitable persons." (2)

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(1) That is perishable wealth and it is better for you to spend it in charity whereby you will get what will be imperishable (i. e. Allāh's reward).

(2) The owner is the other charitable person.

In the name of Allāh,

the most Beneficent, the most Merciful

THE BOOK OF AGRICULTURE

CHAPTER. The superiority of sowing seeds and planting trees if some of the product is eaten (by people or animals). The Statement of Allāh تعالى :—

> ' What do you think about the seeds
> which you sow in the ground.
> Is it you that cause it to grow ?
> Or are We the cause ?
> Were it Our Will——We could
> crumble it
> To dry powder.' (56 : 63)

513. Narrated Anas bin Mālik رضي الله عنه : Allāh's Apostle ﷺ said, "If a Muslim plants a tree or sows seeds, whatever a bird, a person or an animal eats of the product is regarded as a charitable gift for which he will be rewarded."

CHAPTER. One should beware the

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

كتاب المزارعة

باب فَضْلِ الزَّرْعِ والغَرْسِ إذَا أُكِلَ مِنْهُ ، و قَوْلِهِ تَعالى - أفرَأيْتم ما تَحْرُثُونَ أأنتم تَزْرَعُونَهُ أمْ نَحْنُ الزَّارِعُونَ لَوْ نَشاءُ لجَعَلْناهُ حُطاما - .

٥١٣ - حدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ : حدَّثَنا أبُو عَوَانَةَ ح وحدَّثَنى عَبْدُ الرَّحْمَنِ ابْنُ المُبارَكِ : حدَّثَنا أبُو عَوَانَةَ ، عَنْ قَتادَةَ ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ : قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : ما مِنْ مُسْلِمٍ يَغْرِسُ غَرْسا أوْ يَزْرَعُ زَرْعا فيَأكُلُ مِنْهُ طَيرٌ أوْ إنْسانٌ أوْ بهِيمَةٌ إلاَّ كانَ لَهُ بهِ صَدَقَةٌ . و قالَ مُسْلِم : حدَّثَنا أبانُ : حدَّثَنا قَتادَةُ : حدَّثَنا أنَسٌ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم .

باب ما يُحْذَرُ مِنْ عَوَاقِبِ

results of indulging in the work of cultivation and should not transgress the limits prescribed for one.

لاشْتِغالِ بآلَةِ الزَّرْعِ أوْ مُجاوَزَةِ الحَدِّ الَّذِي أُمِرَ بِهِ.

514. It is narrated that Abū Umāma al-Bāhilī saw an agricultural equipment and said, "I heard the Prophet ﷺ saying, 'If this equipment enters the home of some people, Allāh will cause humiliation to enter it.' " (1)

٥١٤ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: حَدَّثَنا عَبْدُ اللهِ بنُ سالِمٍ: حَدَّثَنا مُحَمَّدُ ابنُ زِيادٍ الألْهانيُّ، عَنْ أبي أُمامَةَ الباهِلِيِّ قالَ: ورَأى سِكَّةً وشَيْئًا مِنْ آلَةِ الحَرْثِ، فَقالَ: سَمِعْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم يَقُولُ: لا يَدْخُلُ هذا بَيْتَ قَوْمٍ إلاَّ أدْخَلَهُ اللهُ الذُّلَّ. قالَ أبُو عَبْدِ اللهِ: واسْمُ أبي أُمامَةَ: صُدَيّ ابنُ عَجْلانَ.

CHAPTER. Keeping a watch-dog for the farm.

بابُ اقْتِناءِ الكَلْبِ لِلْحَرْثِ.

515. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "Whoever keeps a dog, one Qirāṭ of the reward of his good deeds is deducted daily, unless the dog is used for guarding a farm or cattle." Abu Hūraira (in another narration) said from the Prophet ﷺ , "... unless it is used for guarding sheep or farms, or for hunting." Narrated Abū Hāzim from Abū Huraira : The Prophet ﷺ said, "A dog for guarding cattle or for hunting."

٥١٥ - حَدَّثَنا مُعاذُ بنُ فَضالَةَ: حَدَّثَنا هِشامٌ، عَنْ يَحْيَى بنِ أبي كَثِيرٍ، عَنْ أبي سَلَمَةَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَنْ أمْسَكَ كَلْبًا فإنَّهُ يَنْقُصُ كُلَّ يَوْمٍ مِنْ عَمَلِهِ قِيراطٌ إلاَّ كَلْبَ حَرْثٍ أوْ ماشِيَةٍ. قالَ ابنُ سِيرِينَ و

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(1) This Hadith indicates that the profession of cultivation is often a source of oppression and humiliation especially under the feudal system. By indulging in this work, one may neglect other important Allāh's obligations. It is also said that this Hadith is concerned with those living near the enemies : If they got busy in agriculture and left chivalry, the enemies might overcome and humiliate them. Of course, the Hadith should not be taken literally. Farming is not undesirable by itself but we should beware the results of indulging too much in it. (Fatḥ-al-Bārī, V. 5, P. 402)

516. Narrated As-Sā᾽ib bin Yazīd: Abū Sufyān bin Abū Zuhair, a man from Azd Shanū᾽a and one of the companions of the Prophet ﷺ said, "I heard Allāh's Apostle ﷺ saying, 'If one keeps a dog which is meant for guarding neither a farm nor cattle, one Qirāṭ of the reward of his good deeds is deducted daily.'" I said, "Did you hear this from Allāh's Apostle ﷺ?" He said, "Yes, by the Lord of this Mosque."

CHAPTER. Employing oxen for ploughing.

517. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "While a man was riding a cow, it turned towards him and said, 'I have not been created for this purpose (i. e. carrying), I have been created for ploughing.'" The Prophet ﷺ added, "I, Abū Bakr and ʿUmar believe in the story." The Prophet ﷺ went on, "A wolf caught a sheep, and when the shepherd chased it, the wolf said, 'Who will be its guard on the day of wild

أَبُو صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: إِلاَّ كَلْبَ غَنَمٍ أَوْ حَرْثٍ أَوْ صَيْدٍ. و قالَ أَبُو حازِمٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: كَلْبَ ماشِيَةٍ أَوْ صَيْدٍ.

٥١٦ - حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبرَنا مالكٌ، عَنْ يَزِيدَ بنِ خُصَيْفَةَ: أَنَّ السَّائِبَ بنَ يَزِيدَ حدَّثَهُ: أَنَّهُ سَمِعَ سُفْيانَ بنَ أَبِي زُهَيرٍ، رَجُلاً مِنْ أَزْدِ شَنُوءَةَ، وكانَ مِنْ أَصحابِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: سَمِعْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم يَقُولُ: مَنِ اقْتَنَى كَلْباً لا يُغْنِي عَنْهُ زَرْعاً ولا ضَرْعاً نَقَصَ كُلَّ يَوْمٍ مِنْ عَمَلِهِ قِيراطٌ. قُلْتُ: أَنْتَ سَمِعْتَ هذَا مِنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم؟ قالَ: إِي وَرَبِّ هذَا المَسْجِدِ.

بابُ اسْتِعْمالِ البَقَرِ لِلْحِراثَةِ.

٥١٧ - حدَّثنا مُحَمَّدُ بنُ بَشَّارٍ: حدَّثنا غُنْدَرٌ: حدَّثنا شُعْبَةُ، عَنْ سَعْدِ بنِ إِبْراهِيمَ بنِ عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ الزُّهْرِيِّ: قالَ: سَمِعْتُ أَبا سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: بَيْنَما رَجُلٌ راكِبٌ عَلَى بَقَرَةٍ التَفَتَتْ إِلَيْهِ فَقالَتْ: لَمْ أُخْلَقْ لِهذَا، خُلِقْتُ

beasts, when nobody except me will be the shepherd ?' " After narrating it, the Prophet ﷺ said, "I, Abū Bakr and ᶜUmar too believe it." Abū Salama, (a sub-narrator,) said, " Abū Bakr and ᶜUmar were not present then." (1)

(It has been written that a wolf also spoke to one of the companions of the Prophet ﷺ near Medīna, as narrated in Fataḥ-al-Bārī (Vol. VIII, P. 23):

Narrated Unais bin ᶜAmr : Aḥbān bin Aus said, " I was amongst my sheep. Suddenly a wolf caught a sheep and I shouted at it. The wolf sat on its tail and addressed me, saying, 'Who will look after it (i.e. the sheep) when you will be busy and not able to look after it ? Do you forbid me the provision which Allāh has provided me ?' " Aḥbān added, "I clapped my hands and said, 'By Allāh, I have never seen something more curious and wonderful than this !' On that the wolf said, 'There is something (more curious) and wonderful than this; that is, Allāh's Apostle ﷺ in those palms, inviting people to Allāh (i.e. Islām).' " Unais binᶜAmr further said, "Then Aḥbān went to Allāh's Apostle ﷺ and informed him what happened and embraced Islām.) "

CHAPTER. (It is permissible for one) to say to another, " Look after my date-

لِلْحِرَاثَةِ ، قَالَ ، آمَنْتُ بِهِ أَنَا و أَبُو بَكْرٍ
و عُمَرُ . و أَخَذَ الذِّئْبُ شَاةً فَتَبِعَهَا
الرَّاعِي فَقَالَ الذِّئْبُ : مَنْ لَهَا يَوْمَ
السَّبُعِ ؟ يَوْمَ لا رَاعِيَ لَهَا غَيْرِي ؟ قَالَ :
آمَنْتُ بِهِ أَنَا و أَبُو بَكْرٍ و عُمَرُ . قَالَ
أَبُو سَلَمَةَ . وما هُمَا يَوْمَئِذٍ فِي الْقَوْمِ .

بَابٌ - إِذَا قَالَ أَكْفِنِي مَؤُونَةَ النَّخْلِ أَوْ غَيْرِهِ و تُشْرِكُنِي فِي الثَّمَرِ .

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(1) The Prophet ﷺ talked on behalf of Abū Bakr and ᶜUmar, because he was sure that they would believe the story when they heard it.

palms or other trees and share the fruits with me."

518. Narrated Abū Huraira ؓ: The Anṣār said to the Prophet ﷺ, "Distribute the date palms between us and our emigrant brothers." He replied, "No." The Anṣār said (to the emigrants), "Look after the trees (water and watch them) and share the fruits with us." The emigrants said, "We listen and obey."

٥١٨ - حدَّثنا الحَكَمُ بنُ نافعٍ: أخبرَنا شُعَيبٌ: حدَّثنا أبو الزِّنادِ، عنِ الأعرَجِ، عنْ أبي هُرَيرَةَ رَضِيَ اللهُ عنهُ قال: قالتِ الأنصارُ للنَّبيِّ صلى الله عليه وسلَّم: اقسِمْ بينَنا و بينَ إخوانِنا النَّخيلَ، قال: لا، فقالوا: تَكفُونا المؤُنةَ ونَشرَكُكُم في الثَّمرةِ، قالوا: سَمِعنا و أطَعنا.

CHAPTER. The cutting of trees and date palms.

Anas said, "The Prophet ﷺ ordered that the date palms be cut down and they were cut down." (1)

باب قَطعِ الشَّجرِ والنَّخلِ. وقالَ أنسٌ: أمرَ النَّبيُّ صلى الله عليه وسلَّم بالنَّخلِ فقُطِعَ.

519. Narrated ʿAbdullāh ؓ: The Prophet ﷺ got the date palms of the tribe of Banī-An-Naḍīr burnt and the trees cut down at a place called Al-Buwairah. Hassan bin Thābit said in a poetic verse:—

"The chiefs of Banī Luʾai found it easy to watch fire spreading at Al-Buwairah." (2)

٥١٩ - حدَّثنا موسى بنُ إسماعيلَ: حدَّثنا جُوَيرِيةُ، عنْ نافعٍ، عنْ عبدِ اللهِ رَضِيَ اللهُ عنهُ، عنِ النَّبيِّ صلى الله عليه وسلَّم أنَّهُ حرَّقَ نخلَ بني النَّضيرِ و قَطَعَ، و هيَ البُوَيرةُ ولها يقولُ حسَّانُ:

وهانَ على سَراةِ بني لُؤَيٍّ
حَريقٌ بالبُوَيرةِ مُستَطيرُ

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(1) The date-palms referred here to are those of the Mosque of the Prophet ﷺ which were cut down on its construction.

(2) The trees were burnt and the palms were cut down to make an open space for fighting.

CHAPTER :

بابٌ :ـ

520. Narrated Rāfiᶜ bin Khadīj: We worked on farms more than anybody else in Medīna. We used to rent the land at the yield of specific delimited portion of it to be given to the landlord. Sometimes the vegetation of that portion was affected by blights etc., while the rest remained safe and vice versa, so the Prophet ﷺ forbade this practice. At that time gold or silver were not used (for renting the land).

٥٢٠ ـ حَدَّثَنَا مُحَمَّدٌ : أَخْبَرَنَا عَبْدُ اللهِ : أَخْبَرَنَا يَحْيَى بنُ سَعِيدٍ ، عَنْ حَنْظَلَةَ بنِ قَيْسٍ الأَنْصَارِيِّ : سَمِعَ رَافِعَ بْنَ خَدِيجٍ قَالَ : كُنَّا أَكْثَرَ أَهْلِ المَدِينَةِ مُزْدَرَعًا ، كُنَّا نُكْرِي الأَرْضَ بِالنَّاحِيَةِ مِنْهَا مُسَمًّى لِسَيِّدِ الأَرْضِ . قَالَ : فَمِمَّا يُصَابُ ذَلِكَ وَتَسْلَمُ الأَرْضُ . وَمِمَّا يُصَابُ الأَرْضُ وَيَسْلَمُ ذَلِكَ ، فَنُهِينَا . فَأَمَّا الذَّهَبُ وَالوَرِقُ فَلَمْ يَكُنْ يَوْمَئِذٍ .

CHAPTER. Temporary share-cropping contract on the basis of dividing the yield into two halves, one for each partner or on other basis.

بابُ المُزَارَعَةِ بِالشَّطْرِ وَنَحْوِهِ .

Narrated Abū Jaᶜfar: All the emigrants in Medīna used to cultivate the land (for the Anṣār) on the condition of having one third or one fourth of the yield. ᶜAlī, Saᶜd bin Mālik, ᶜAbdullāh bin Masᶜūd, ᶜUmar bin ᶜAbdul Azīz, Al-Qāsim, ᶜUrwa and the families of Abū Bakr, of ᶜUmar and of ᶜAlī, and Ibn Sīrīn cultivated the land on the basis of having a portion of the yield. ᶜAbdur-Raḥmān bin Al-Aswad said, "I collaborated with ᶜAbdur-Raḥmān bin Yazīd in agriculture." ᶜUmar made a deal with the people that if he provided the seeds, he would get half of the yield, and if they

وَقَالَ قَيْسُ بنُ مُسْلِمٍ ، عَنْ أَبِي جَعْفَرٍ ، قَالَ : مَا بِالمَدِينَةِ أَهْلُ بَيْتِ هِجْرَةٍ إِلَّا يَزْرَعُونَ عَلَى الثُّلُثِ وَالرُّبُعِ . وَزَارَعَ عَلِيٌّ وَسَعْدُ بنُ مَالِكٍ وَعَبْدُ اللهِ ابنُ مَسْعُودٍ وَعُمَرُ بنُ عَبْدِ العَزِيزِ وَالقَاسِمُ وَعُرْوَةُ وَآلُ أَبِي بَكْرٍ وَآلُ عُمَرَ وَآلُ عَلِيٍّ وَابنُ سِيرِينَ . وَقَالَ عَبْدُ الرَّحْمَنِ بنُ الأَسْوَدِ : كُنْتُ أُشَارِكُ عَبْدَ الرَّحْمَنِ بنَ يَزِيدَ فِي الزَّرْعِ . وَعَامَلَ عُمَرُ النَّاسَ عَلَى إِنْ جَاءَ عُمَرُ بِالبَذْرِ مِنْ عِنْدِهِ فَلَهُ الشَّطْرُ ، وَإِنْ جَاءُوا بِالبَذْرِ فَلَهُمْ كَذَا . وَقَالَ الحَسَنُ : لَا بَأْسَ أَنْ تَكُونَ الأَرْضُ

provided the seeds, they would get so-and-so much. Al-Ḥasan said, "There is no harm if the land belongs to one but both spend on it and the yield is divided between them." Az-Zuhrī had the same opinion. Al-Ḥasan said, "There is no harm if cotton is picked on the condition of having half the yield." Ibrāhīm, Ibn Sīrīn, ʿAṭā', Al-Ḥakam, Az-Zuhrī and Qatāda said, "There is no harm in giving the yarn to the weaver to weave into cloth on the basis that one-third or one-fourth (or any other portion) of the cloth is given to the weaver for his labour." Maʿmar said, "There is no harm in hiring animals for a definite (fixed) period on the basis that one-third or one-fourth of the products carried by the animals is given to the owner of the animals."

لأحَدِهِمَا فَيُنْفِقَانِ جَمِيعاً فَمَا خَرَجَ فَهُوَ بَيْنَهُمَا . وَرَأَى ذَلِكَ الزُّهْرِيُّ . وَقَالَ الحَسَنُ : لا بَأْسَ أنْ يُجْتَنَى القُطْنُ عَلَى النِّصْفِ . وَقَالَ إبْرَاهِيمُ وَابْنُ سِيرِينَ وَعَطَاءٌ وَالحَكَمُ وَالزُّهْرِيُّ وَقَتَادَةُ : لا بَأْسَ أنْ يُعْطِيَ الثَّوْبَ بِالثُّلُثِ أوِ الرُّبُعِ وَنَحْوِهِ . وَقَالَ مَعْمَرٌ : لا بَأْسَ أنْ تَكُونَ المَاشِيَةُ عَلَى الثُّلُثِ وَالرُّبُعِ إلَى أجَلٍ مُسَمّىً .

521. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : The Prophet ﷺ concluded a contract with the people of Khaibar to utilize the land on the condition that half the products of fruits or vegetation would be their share. The Prophet ﷺ used to give his wives one hundred Wasqs each, eighty Wasqs of dates and twenty Wasqs of barley. (When ʿUmar became the Caliph) he gave the wives of the Prophet ﷺ the option of either having the land and water as their shares, or carrying on the previous practice. Some of them chose the land and some chose the Wasqs, and ʿAisha chose the land.

٥٢١ ـ حَدَّثَنَا إبْرَاهِيمُ بنُ المُنْذِرِ : حَدَّثَنَا أنَسُ بنُ عِيَاضٍ ، عَنْ عُبَيْدِ اللهِ ، عَنْ نَافِعٍ : أنَّ عَبْدَ اللهِ بنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا أخْبَرَهُ أنَّ النَّبِيَّ صلى الله عليه وسلَّم عَامَلَ خَيْبَرَ بِشَطْرِ مَا يَخْرُجُ مِنْهَا مِنْ ثَمَرٍ أوْ زَرْعٍ ، فَكَانَ يُعْطِي أزْوَاجَهُ مِائَةَ وَسْقٍ . ثَمَانُونَ وَسْقَ تَمْرٍ ، وَعِشْرُونَ وَسْقَ شَعِيرٍ . وَقَسَمَ عُمَرُ خَيْبَرَ فَخَيَّرَ أزْوَاجَ النَّبِيِّ صلى الله عليه وسلَّم أنْ يُقْطِعَ لَهُنَّ مِنَ المَاءِ وَالأرْضِ أوْ يُمْضِيَ لَهُنَّ ، فَمِنْهُنَّ مَنِ اخْتَارَ الأرْضَ . وَمِنْهُنَّ مَنِ اخْتَارَ

الوَسْقَ ، و كانَتْ عائِشَةُ اخْتارَتِ الأَرْضَ .

CHAPTER. When no period is specified in the contract of share-cropping.

بابٌ - إذا لمْ يَشْتَرِطِ السِّنِينَ فى المُزارَعَةِ .

522. Narrated Ibn ʿUmar رضي الله عنهما : The Prophet ﷺ made a deal with the people of Khaibar that they would have half the fruits and vegetation of the land they cultivated.

٥٢٢ - حدَّثَنا مُسَدَّدٌ : حدَّثَنا يَحْيى بنُ سَعِيدٍ ، عَنْ عُبَيْدِ الله : حدَّثَني نافِعٌ عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ : عامَلَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم خَيْبَرَ بِشَطْرِ ما يخْرُجُ مِنْها مِنْ ثَمَرٍ أوْ زَرْعٍ .

CHAPTER :—

بابٌ :—

523. Narrated ʿAmr : I said to Tawus, "I wish you would give up Mukhābara (Share-cropping), for the people say that the Prophet ﷺ forbade it." On that Tawus replied, "O ʿAmr! I give the land to share-croppers and help them. No doubt, the most learned man, namely Ibn ʿAbbās رضي الله عنهما told me that the Prophet ﷺ had not forbidden it but said, 'It is more beneficial for one to give his land free to one's brother than to charge him a fixed rental.' " (1)

٥٢٣ - حدَّثَنا عليّ بنُ عَبْدِ الله : حدَّثَنا سُفْيانُ : قالَ عَمْرٌو : قُلْتُ لِطاوُسٍ : لَوْ تَرَكْتَ المخابَرَةَ فإنَّهُمْ يَزْعُمُونَ أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم نَهَى عَنْهُ . قالَ أيْ عَمْرُو : إنِّى أُعْطِيهِمْ وأُعِينُهُمْ وإنَّ أعْلَمَهُمْ أخْبَرَنى يَعْنِى ابنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما : أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم لمْ يَنْهَ عَنْهُ ولَكِنْ قالَ : أنْ يَمْنَحَ أحَدُكُمْ أخاهُ خَيرٌ لَهُ مِنْ أنْ يَأخُذَ عَلَيْهِ خَرْجا مَعْلُوما .

CHAPTER. Share-cropping with the Jews.

بابُ المُزارَعَةِ مَعَ اليَهُودِ .

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(1) Share-cropping is not forbidden, but it is recommended that one should let his Muslim brethren utilize one's own land without charging them anything.

524. Narrated Ibn ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ gave the land of Khaibar to the Jews on the condition that they work on it and cultivate it, and be given half of its yield.

٥٢٤ ـ حَدَّثَنا ابنُ مُقاتِلٍ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرنا عُبَيْدُ اللهِ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم أعْطَى خَيْبَرَ اليَهُودَ عَلَى أنْ يَعْمَلُوها ويَزْرَعُوها ولَهُمْ شَطْرُ ما يَخْرُجُ مِنْها.

CHAPTER. What conditions are disliked in share-cropping.

بابُ ما يُكْرَهُ مِنَ الشُّرُوطِ فى المُزارَعَةِ.

525. Narrated Rāfiʿ رضي الله عنه : We worked on farms more than anybody else in Medīna. We used to rent the land and say to the owner, "The yield of this portion is for us and the yield of that portion is for you (as the rent)." One of those portions might yield something and the other might not. So, the Prophet ﷺ forbade us to do so.

٥٢٥ ـ حَدَّثَنا صَدَقَةُ بنُ الفَضْلِ: أخْبَرَنا ابنُ عُيَيْنَةَ، عَنْ يَحْيَى: سَمِعَ حَنْظَلَةَ الزُّرَقِيَّ، عَنْ رافِعٍ رَضِيَ اللهُ عَنْهُ قالَ: كُنَّا أكْثَرَ أهْلِ المَدِينَةِ حَقْلاً، وكانَ أحَدُنا يُكْرِي أرْضَهُ فَيَقُولُ: هذهِ القِطْعَةُ لى وهذهِ لكَ، فَرُبَّما أخْرَجَتْ ذِهِ ولَمْ تُخْرِجْ ذِهِ، فَنَهاهُمُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم.

CHAPTER. If a person invests the money of some-one else in cultivation without taking his permission and the enterprise effects profit, (to whom will the profit belong ?).

بابٌ ـ إذا زَرَعَ بِمالِ قَوْمٍ بِغَيْرِ إذْنِهِمْ وكانَ فى ذَلكَ صَلاحٌ لَهُمْ.

526. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : The Prophet ﷺ said, "While three men were walking, it started raining and they took shelter (refuge) in a cave in a mountain. A big rock rolled down from the mountain and closed the mouth of the

٥٢٦ ـ حَدَّثَنا إبْراهِيمُ بنُ المُنْذِرِ: حَدَّثَنا أبُو ضَمْرَةَ: حَدَّثَنا مُوسَى بنُ عُقْبَةَ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: بَيْنَما ثَلاثَةُ

cave. They said to each other, "Think of good deeds you have done for the sake of Allāh and mention those deeds so that He may remove this rock and save you." One of them said, 'O Allāh ! I had old parents and small children and I used to graze the sheep for them. On my return to them in the evening, I used to milk (the sheep) and start providing my parents first of all before my children. One day I was delayed and came late at night and found my parents sleeping. I milked (the sheep) as usual and stood by their heads, disliking to awaken them and disliking to give milk to my children before them, although my children were weeping (because of hunger) at my feet till it dawned. O Allāh ! If I did this for Your sake only, kindly remove the rock so that we could see the sky through it.' So, Allāh removed the rock a little and they saw the sky. Another man said, 'I loved the daughter of my uncle very dearly, as deeply as men love women. I wanted to outrage her chastity but she refused unless I gave her one-hundred Dinārs. So, I struggled to collect that amount. And when I sat between her legs, she said, 'O Allāh's servant ! Be afraid of Allāh and do not deflower me without having the right to do so.' So, I got up. O Allāh ! If I did it for Your sake only, please remove the rock.' The rock shifted a little more. Then the third man said, 'I hired a labourer for a Faraq of rice and when he finished his job and demanded his right, I presented it to him, but he did not take it. So, I sowed the rice many

نَفَرٍ يَمْشُونَ أخَذَهُمُ المَطَرُ فأوَوْا إلى غارٍ فى جَبَلٍ فانْحَطَّتْ عَلى فَمِ غارِهِمْ صَخْرَةٌ مِنَ الجَبَلِ فانْطَبَقَتْ عَلَيْهِمْ ، فَقالَ بَعْضُهُمْ لِبَعْضٍ : انْظُرُوا أعمالاً عَمِلْتُمُوها صالِحَةً لِلهِ فادْعُوا اللهَ بِها لَعَلَّهُ يُفَرِّجُها عَنْكُمْ. قالَ أحَدُهُمْ : اللَّهُمَّ إنَّهُ كانَ لى وَالِدانِ شَيْخانِ كَبِيرانِ ولى صِبْيَةٌ صِغارٌ كُنْتُ أرْعَى عَلَيْهِمْ ، فإذا رُحْتُ عَلَيْهِمْ حَلَبْتُ فَبَدَأتُ بِوالِدَيَّ أسْقِيهِما قَبْلَ بَنِيَّ ، وإنِّى اسْتَأخَرْتُ ذاتَ يَوْمٍ فَلَمْ آتِ حَتَّى أمْسَيْتُ فَوَجَدْتُهُما ناما فَحَلَبْتُ كَما كُنْتُ أحْلُبُ فَقُمْتُ عِنْدَ رُءُوسِهِما أكْرَهُ أنْ أُوقِظَهُما وأكْرَهُ أنْ أسْقِيَ الصِّبْيَةَ ، والصِّبْيَةُ يَتَضاغَوْنَ عِنْدَ قَدَمَيَّ حَتَّى طَلَعَ الفَجْرُ. فإنْ كُنْتَ تَعْلَمُ أنِّى فَعَلْتُهُ ابْتِغاءَ وَجْهِكَ فافْرُجْ لَنا فَرْجَةً نَرَى مِنْها السَّماءَ ، فَفَرَجَ اللهُ فَرَأوا السَّماءَ. وقالَ الآخَرُ : اللَّهُمَّ إنَّها كانَتْ لى بِنْتُ عَمٍّ أحْبَبْتُها كأشَدِّ ما يُحِبُّ الرِّجالُ النِّساءَ فَطَلَبْتُ مِنْها فأبَتْ حَتَّى آتِيَها بِمائَةِ دِينارٍ : فَبَغَيْتُ حَتَّى جَمَعْتُها فَلَمَّا وَقَعْتُ بَيْنَ رِجْلَيْها قالَتْ : يا عَبْدَ اللهِ ، اتَّقِ اللهَ ولا تَفْتَحِ الخاتَمَ إلاَّ بِحَقِّهِ ، فَقُمْتُ. فإنْ كُنْتَ تَعْلَمُ أنِّى فَعَلْتُهُ ابْتِغاءَ وَجْهِكَ فافْرُجْ عَنَّا فَرْجَةً ، فَفَرَجَ. وقالَ الثَّالِثُ :

time till I gathered cows and hired a shepherd (from the yield). (Then after some time) He came to me and said, 'Fear Allāh (and give me my right).' I said, 'Go and take those cows and the shepherd.' He said, 'Be afraid of Allāh! Don't mock at me.' I said, 'I am not mocking at you. Take (all that).' So, he took it. O Allāh! If I did that for Your sake only, please remove the rest of the rock.' So, Allāh removed the rock."

اللَّهُمَّ إنِّى اسْتَأجَرْتُ أجِيرًا بِفَرَقِ أرُزٍّ، فَلَمَّا قَضَى عَمَلَهُ قالَ: أعْطِنِى حَقِّى، فَعَرَضْتُ عَلَيْهِ فَرَغِبَ عَنْهُ فَلَمْ أزَلْ أزْرَعُهُ حتَّى جَمَعْتُ مِنْهُ بَقَرًا وَرَاعِيَهَا فَجاءَنى فَقالَ: اتَّقِ اللهَ، فَقُلْتُ اذْهَبْ إلى ذَالِكَ البَقَرِ وَرُعاتِها فَخُذْ، فَقالَ: اتَّقِ اللهَ ولا تَسْتَهْزِئْ بِى، فَقُلْتُ: إنِّى لا أسْتَهْزِئُ بِكَ، فَخُذْ فَأخَذَهُ. فإنْ كُنْتَ تَعْلَمُ أنِّى فَعَلْتُ ذَالِكَ ابْتِغاءَ وجْهِكَ فافْرُجْ ما بَقِيَ، فَفَرَجَ اللهُ. قالَ أبُو عَبْدِ اللهِ: و قالَ إسماعِيلُ بنُ إبْراهِيمَ بْنِ عُقْبَةَ، عَنْ نافِعٍ: فَسَعَيْتُ.

CHAPTER. The Auqāf (i.e. endowments) of the companions of the Prophet ﷺ and the land of Kharāj (Taxation), the contracts of share-cropping and other agreements of the companions.

The Prophet ﷺ said to ʿUmar, "Give those trees as a whole in charity (as Waqf) so that those might not be sold but their fruits can be spent and given in charity." So, ʿUmar gave those trees in charity.

بابُ أوْقافِ أصْحابِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم و أرْضِ الخرَاجِ و مُزَارَعَتِهِمْ و مُعامَلَتِهِمْ.

و قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم لِعُمَرَ: تَصَدَّقْ بِأصْلِهِ، لا يُباعُ ولَكِنْ يُنْفَقُ ثَمَرُهُ، فَتَصَدَّقَ بِهِ.

527. Narrated Zaid bin Aslam from his father: ʿUmar ؓ said, "But for the future Muslim generations, I would have distributed the land of the villages I conquer among the soldiers as the Prophet ﷺ distributed the land of Khaibar." (1)

٥٢٧ - حدَّثَنا صَدَقَةُ: أخْبرَنا عَبْدُ الرَّحْمَنِ، عَنْ مالكٍ، عَنْ زَيْدِ ابنِ أسْلَمَ، عَنْ أبِيهِ قالَ: قالَ عُمَرُ رَضِيَ اللهُ عَنْهُ: لَوْلا آخِرُ المُسْلِمِينَ

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(1) ʿUmar ؓ meant to keep the land as Waqf for the Muslims to benefit by through the taxation of Kharāj (cultivated land tax).

ما فَتَحْتُ قَرْيَةً إلاَّ قَسَمْتُها بَيْنَ أَهْلِها كما قَسَمَ النَّبِيُّ صلى اللهُ عليه وسلَّم خَيْبَرَ .

CHAPTER. Whoever cultivates neglected uncultivated land belonging to nobody (will own it). ᶜAli ﷺ had the same opinion concerning such land in Kūfa. ᶜUmar said, "Whoever cultivates uncultivated land (belonging to nobody) will possess it." ᶜUmar and Ibn ᶜAuf narrated the same from the Prophet ﷺ adding, "...... provided that the land does not belong to any Muslim; otherwise one has no right to plant anything in it oppressively."

بابُ مَنْ أحيا أَرْضًا مَوَاتا. ورَأَى ذلكَ عَلِيٌّ رَضِيَ اللهُ عَنْهُ فى أَرْضِ الخرَابِ بالكُوفَةِ . و قالَ عُمَرُ : مَنْ أحْيا أَرْضًا مَيِّتَةً فَهِيَ لَهُ و يُرْوَى عَنْ عُمَرَ و ابنِ عَوْفٍ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم . و قالَ : فى غَيْرِ حَقِّ مُسْلِمٍ ، و لَيْسَ لِعِرْقِ ظالمٍ فِيهِ حَقٌّ . و يُرْوَى فِيهِ عَنْ جابِرٍ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم .

528. Narrated ᶜAisha ﷺ : The Prophet ﷺ said, "He who cultivates land that does not belong to anybody is more rightful (to own it)." ᶜUrwa said, "ᶜUmar gave the same verdict in his Caliphate."

٥٢٨ ـ حدَّثَنا يَحْيَى بنُ بُكَيْر : حدَّثَنا اللَّيْثُ ، عَنْ عُبَيْدِ اللهِ بنِ أبى جَعْفَرٍ ، عَنْ مُحَمَّدِ بنِ عَبْدِ الرَّحْمَنِ ، عَنْ عُرْوَةَ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : مَنْ أَعْمَرَ أَرْضًا لَيْسَتْ لأحَدٍ فَهُوَ أحَقُّ ، قالَ عُرْوَةُ : قَضَى بِهِ عُمَرُ رَضِيَ اللهُ عَنْهُ فى خِلافَتِهِ .

CHAPTER :—

بابٌ :ـــ

529. Narrated ᶜAbdullāh bin ᶜUmar from his father ﷺ : While the Prophet ﷺ was passing the night at his place of rest in Dhul-Hulaifa in the bottom of the valley (of ᶜAqīq), he was shown and it was said to him, "You are in a blessed valley."

٥٢٩ ـ حدَّثَنا قُتَيْبَةُ : حدَّثَنا إسماعيلُ بنُ جَعْفَرٍ ، عَنْ مُوسَى بنِ عُقْبَةَ ، عَنْ سالمِ بنِ عَبْدِ اللهِ بنِ عُمَرَ : عَنْ أبِيهِ رَضِيَ اللهُ عَنْهُ : أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم أُرِيَ و هُوَ فى مُعَرَّسِهِ

Mūsā said, "Sālim let our camels kneel at the place where ʿAbdullāh used to make his camel kneel, seeking the place where Allāh's Apostle ﷺ used to take a rest, which is situated below the mosque which is in the bottom of the valley; it is midway between the mosque and the road."

بِذِى الحُلَيْفَةِ فى بَطْنِ الوَادِى، فَقِيلَ لَهُ إنَّكَ بِبَطْحاءَ مُبارَكَةٍ، فَقالَ مُوسَى وقَدْ أَناخَ بِنا سالِمٌ بالمُناخِ الَّذِى كانَ عَبْدُ اللهِ يُنِيخُ بِهِ يَتَحَرَّى مُعَرَّسَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم وهُوَ أَسْفَلُ مِنَ المَسْجِدِ الَّذِى بِبَطْنِ الوَادِى، بَيْنَهُ وبَيْنَ الطَّرِيقِ وَسَطٌ مِنْ ذلكَ.

530. Narrated ʿUmar ؓ: While the Prophet ﷺ was in Al-ʿAqīq he said, "Someone (meaning Gabriel) came to me from my Lord tonight (in my dream) and said, 'Offer the prayer in this blessed valley and intend to perform Umra and Hajj together.'"

٥٣٠ - حدَّثَنا إسحاقُ بنُ إبْراهِيمَ: أخْبَرَنا شُعَيْبُ بنُ إسحاقَ، عَنِ الأَوْزاعِىِّ قالَ: حدَّثنى يَحْيَى عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ، عَنْ عُمَرَ رَضِىَ اللهُ عَنْهُ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَ: اللَّيْلَةَ أتانى آتٍ مِنْ رَبِّى وهُوَ بالعَقِيقِ أنْ صَلِّ فى هذَا الوَادِى المُبارَكِ، وقُلْ عُمْرَةٌ فى حَجَّةٍ.

CHAPTER. If the owner of the land (says to the tenant), "I let you utilize the land as long as Allāh permits you," and does not mention a specific time for the expiration of the lease, then the lease can be continued according to the approval of both the parties.

بابٌ. إذَا قالَ رَبُّ الأَرْضِ أُقِرُّكَ ما أقَرَّكَ اللهُ، ولَمْ يَذْكُرْ أَجَلاً مَعْلُوماً، فَهُما عَلَى تَراضِيهِما.

531. Narrated Ibn ʿUmar ؓ: ʿUmar ؓ expelled the Jews and the Christians from Hijaz. When Allāh's Apostle ﷺ had conquered Khaibar, he wanted to expel the Jews from it as its land

٥٣١ - حدَّثَنا أحْمَدُ بنُ المِقْدامِ: حدَّثَنا فُضَيْلُ بنُ سُلَيمانَ: حدَّثَنا مُوسَى: أخْبَرَنا نافِعٌ، عَنِ ابنِ عُمَرَ رَضِىَ اللهُ عَنْهُما قالَ: كانَ رَسُولُ اللهِ صلى اللهُ عليهِ

became the property of Allāh, His Apostle, and the Muslims. Allāh's Apostle ﷺ intended to expel the Jews but they requested him to let them stay there on the condition that they would do the labour and get half of the fruits. Allāh's Apostle ﷺ told them, "We will let you stay on this condition, as long as we wish." So, they (i.e. Jews) kept on living there until ʿUmar forced them to go towards Taimāʾ and Ariḥāʾ.

وسلَّم. و قالَ عَبْدُ الرَّزَّاقِ: أخْبَرَنا ابنُ جُرَيْجٍ قالَ: حدَّثَني مُوسَى بنُ عُقْبَةَ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ: أنَّ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ أجْلَى اليَهُودَ والنَّصارَى مِنْ أرْضِ الحِجازِ. و كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم لمَّا ظَهَرَ عَلَى خَيْبَرَ أرادَ إخْراجَ اليَهُودِ مِنْها و كانَتِ الأرْضُ حِينَ ظَهَرَ عَلَيْها للهِ ولِرَسُولِهِ صلى اللهُ عليهِ وسلَّم ولِلْمُسْلِمِينَ. و أرادَ إخْراجَ اليَهُودِ مِنْها فَسَألَتِ اليَهُودُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم لِيُقِرَّهُمْ بِها أنْ يَكْفُوا عَمَلَها ولهُمْ نِصْفُ الثَّمَرِ، فَقالَ لهُمْ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: نُقِرُّكُمْ بِها عَلَى ذَلِكَ ما شِئْنا. فَقَرُّوا بِها حتَّى أجْلاهُمْ عُمَرُ إلى تَيْماءَ و أرِيحاءَ.

CHAPTER. The companions of the Prophet ﷺ used to share the yields and fruits of their farms with each other gratis.

بابُ ما كانَ أصْحابُ النَّبِيِّ صلى اللهُ عليهِ وسلَّم يُواسِي بَعْضُهُمْ بَعْضًا في الزِّراعَةِ والثَّمَرَةِ.

532. Narrated Rāfiʿ bin Khadīj رضي الله عنه: My uncle Zuhair said, "Allāh's Apostle ﷺ forbade us to do a thing which was a source of help to us." I said, "Whatever Allāh's Apostle ﷺ said was right." He said, "Allāh's Apostle ﷺ sent for me and asked, 'What are you doing with your farms?' I replied, 'We give our farms on rent on the basis that we get the yield

٥٣٢ - حدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا الأوْزاعِيُّ عَنْ أبي النَّجاشِيِّ مَوْلَى رافِعِ بنِ خَدِيجٍ: سَمِعْتُ رافِعَ بنَ خَدِيجِ بنِ رافِعٍ، عَنْ عَمِّهِ ظُهَيْرِ بنِ رافِعٍ قالَ ظُهَيْرٌ: لَقَدْ نَهانا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم عَنْ أمْرٍ كانَ بِنا رافِقًا، قُلْتُ: ما قالَ

produced at the banks of the rivers for the rent, or rent it for some Wasqs of barley and dates.' Allāh's Apostle ﷺ said, 'Do not do so, but cultivate (the land) yourselves or let it be cultivated by others gratis, or keep it uncultivated.' I said, 'We hear and obey.' "

رَسُولُ اللهِ صلى اللهُ عليه وسلَّم فَهُوَ حَقٌّ ، قالَ : دَعانِي رَسُولُ اللهِ صلى اللهُ عليه وسلَّم ، قالَ : ما تَصْنَعُونَ بِمَحاقِلِكُمْ ؟ قُلْتُ : نُؤَاجِرُها عَلَى الرُّبُعِ وعَلَى الأَوْسُقِ مِنَ التَّمْرِ والشَّعِيرِ . قالَ : لا تَفْعَلُوا ، ازْرَعُوها ، أَوْ أَزْرِعُوها أَمْسِكُوها . قالَ رَافِعٌ : قُلْتُ سَمْعًا وطاعَةً .

533. Narrated Jābir ؓ : The people used to rent their land for cultivation for one-third, one-fourth or half its yield. The Prophet ﷺ said, "Whoever has land should cultivate it himself or give it to his (Muslim) brother gratis; otherwise keep it uncultivated."

Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "Whoever has land should cultivate it himself or give it to his (Muslim) brother gratis; otherwise he should keep it uncultivated."

٥٣٣ ـ حدَّثَنا عُبَيْدُ اللهِ بنُ مُوسَى : أَخْبَرَنا الأَوْزَاعِيُّ عَنْ عَطاءٍ عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ : كانُوا يَزْرَعُونَها بالثُّلُثِ والرُّبُعِ والنِّصْفِ ، فَقالَ النَّبِيُّ صلى اللهُ عليه وسلَّم : مَنْ كانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْها أَوْ لِيَمْنَحْها فإنْ لَمْ يَفْعَلْ فَلْيُمْسِكْ أَرْضَهُ . وقالَ الرَّبِيعُ بنُ نافِعٍ أَبُو تَوْبَةَ : حدَّثَنا مُعاوِيَةُ ، عَنْ يَحْيَى ، عَنْ أَبِي سَلَمَةَ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ ، قالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : مَنْ كانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْها أَوْ لِيَمْنَحْها أَخاهُ فإنْ أَبَى فَلْيُمْسِكْ أَرْضَهُ .

534. Narrated ʿAmr: When I mentioned it (i. e. the narration of Rāfiʿ bin Khadīj: no. 532) to Ṭāwūs, he said, "It is permissible to rent the land for cultivation, for Ibn ʿAbbās said, 'The Prophet ﷺ did not forbid that, but said: One had better give the land to one's brother

٥٣٤ ـ حدَّثَنا قَبِيصَةُ : حدَّثَنا سُفْيانُ عَنْ عَمْرٍو قالَ : ذَكَرْتُهُ لطاوُسٍ فَقالَ : يُزْرِعُ . قالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما : إنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم لَمْ يَنْهَ عَنْهُ ، ولَكِنْ قالَ إنْ يَمْنَحْ أَحَدُكُمْ أَخاهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ

gratis rather than charge a certain amount for it.' "

535. Narrated Nāfiᶜ: Ibn ᶜUmar رضي الله عنهما used to rent his farms in the time of Abū Bakr, ᶜUmar, ᶜUthmān, and in the early days of Mu awiya. Then he was told the narration of Rāfiᶜ bin Khadīj that the Prophet ﷺ had forbidden the renting of farms. Ibn ᶜUmar went to Rāfiᶜ and I accompanied him. He asked Rāfiᶜ who replied that the Prophet ﷺ had forbidden the renting of farms. Ibn ᶜUmar said, "You know that we used to rent our farms in the life-time of Allāh's Apostle ﷺ for the yield of the banks of the rivers and for certain amount of figs.

536. Narrated Sālim: ᶜAbdullāh bin ᶜUmar رضي الله عنهما said, "I knew that the land was rented for cultivation in the life-time of Allāh's Apostle ﷺ." Later on Ibn ᶜUmar was afraid that the Prophet ﷺ had forbidden it, and he had no knowledge of it, so he gave up renting his land.

شَيْئًا مَعْلُومًا .

٥٣٥ - حَدَّثَنَا سُلَيْمانُ بْنُ حَرْبٍ : حَدَّثَنَا حَمَّادٌ ، عَنْ أَيُّوبَ ، عَنْ نافِعٍ : أَنَّ ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُما كانَ يُكْرِى مَزَارِعَهُ عَلَى عَهْدِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم و أبي بَكْرٍ و عُمَرَ و عُثْمانَ و صَدْرًا مِنْ إِمارَةِ مُعاوِيَةَ ، ثُمَّ حُدِّثَ عَنْ رافِعِ بْنِ خَدِيجٍ أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم نَهَى عَنْ كِراءِ المَزارِعِ ، فَذَهَبَ ابْنُ عُمَرَ إلى رافِعٍ فَذَهَبْتُ مَعَهُ فَسَأَلَهُ فَقالَ : نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنْ كِراءِ المَزارِعِ . فَقالَ ابْنُ عُمَرَ : قَدْ عَلِمْتَ أَنَّا كُنَّا نُكْرِى مَزارِعَنا عَلَى عَهْدِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم بِما عَلَى الأَرْبِعاءِ و بِشَيْءٍ مِنَ التِّينِ .

٥٣٦ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ : حَدَّثَنَا اللَّيْثُ ، عَنْ عُقَيْلٍ ، عَنِ ابْنِ شِهابٍ : أَخْبَرَنِى سالِمٌ : أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ : كُنْتُ أَعْلَمُ فى عَهْدِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم أَنَّ الأَرْضَ تُكْرَى ، ثُمَّ خَشِيَ عَبْدُ اللهِ أَنْ يَكُونَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم قَدْ أَحْدَثَ فى ذَلِكَ شَيْئًا لَمْ يَكُنْ يَعْلَمُهُ : فَتَرَكَ كِراءَ الأَرْضِ .

CHAPTER. To rent the land for gold and silver.

Ibn ᶜAbbās said, "The best thing to do is to take the uncultivated land on yearly rental basis."

بابُ كِرَاءِ الأرْضِ بالذَّهَبِ و الفِضَّةِ ، و قالَ ابنُ عبَّاسٍ : إنَّ أمْثَلَ ما أنْتُمْ صَانِعُونَ أنْ تَسْتَأجِرُوا الأرْضَ البَيْضَاءَ منَ السَّنَةِ إلى السَّنَةِ .

537. Narrated Ḥanzla bin Qais : Rāfiᶜ bin Khadīj said, "My two uncles told me that they (i. e. the companions of the Prophet ﷺ) used to rent the land in the life-time of the Prophet ﷺ for the yield on the banks of rivers or for a portion of the yield stipulated by the owner of the land. The Prophet ﷺ forbade it." I said to Rāfiᶜ, "What about renting the land for Dīnārs and Dirhams?" He replied, "There is no harm in renting for Dīnārs and Dirhams." Al-Laith said, "If those who have discernment for distinguishing what is legal from what is illegal looked into what has been forbidden concerning this matter they would not permit it, for it is surrounded with dangers." (1)

٥٣٧ - حدَّثَنا عَمْرُو بنُ خالِدٍ : حدَّثَنا اللَّيْثُ ، عَنْ رَبِيعَةَ بنِ أبي عبْدِ الرَّحْمَنِ ، عَنْ حَنْظَلَةَ بنِ قَيْسٍ ، عَنْ رَافِعِ بنِ خَدِيجٍ قالَ : حدَّثَنِي عَمَّايَ أنَّهُمْ كانُوا يُكْرُونَ الأرْضَ عَلَى عَهْدِ النَّبِيِّ صلى اللهُ عليه وسلَّم بِمَا يَنْبِتُ عَلَى الأرْبِعَاءِ أوْ شَيْءٍ يَسْتَثْنِيهِ صاحبُ الأرْضِ ، فَنَهى النَّبِيُّ صلى اللهُ عليه وسلَّم عَنْ ذَلكَ . فَقُلْتُ لِرَافِعٍ : فَكَيْفَ هيَ بالدِّينارِ والدِّرْهَمِ ؟ فَقالَ رَافِعٌ : لَيْسَ بِهَا بَأسٌ بالدِّينارِ والدِّرْهَمِ . و قالَ اللَّيْثُ : و كانَ الَّذِي نُهِيَ مِنْ ذَلكَ ما لَوْ نَظَرَ فِيهِ ذَوُو الفَهْمِ بالحَلالِ وَالحَرَامِ لَمْ يُجِيزُوهُ لِمَا فيهِ منَ المخاطَرَةِ .

CHAPTER :-

بابٌ :-

538. Narrated Abū Huraira رضي الله عنه : Once the Prophet ﷺ was narrating (a

٥٣٨ - حدَّثَنا مُحَمَّدُ بنُ سِنانٍ : حدَّثَنا فُلَيْحٌ : حدَّثَنا هِلالٌ ح ، و حدَّثَنا

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(1) Al-Laith agrees in the Ḥadīth with the common opinion of the scholars who think that renting the land is forbidden if it leads to arrogance and mischief; the principle of renting is not illegal. The scholars differ as to what ways of renting are permissible. (Fatḥ-al-Bārī, V. 5, P. 423.)

story), while a bedouin was sitting with him. He said, "One of the inhabitants of Paradise asked Allāh to allow him to cultivate the land. Allāh asked him, 'Are you not living in the pleasures you like?' He said, 'Yes, but I would like to cultivate the land.'" The Prophet ﷺ added, "When the man (was permitted he) sowed the seeds and the plants grew up and got ripe and ready for reapening and were as huge as mountains within a wink. Allāh then said to him, 'O son of Ādam! Gather (the yield); nothing satisfies you.'" On that, the bedouin said, "The man must be either from Quraish (i. e. an emigrant) or an Ansāri, for they are farmers, whereas we are not farmers." The Prophet ﷺ smiled (at this).

عبدُ الله بنُ مُحمّدٍ: حدّثنا أبو عامرٍ: حدّثنا فُلَيحٌ، عن هِلالِ بنِ علِيّ، عن عطاءِ بنِ يسارٍ، عن أبي هُريرةَ رضيَ اللهُ عنهُ: أنّ النّبيَّ صلى اللهُ عليهِ وسلّم كانَ يوماً يُحدّثُ وعندهُ رجلٌ من أهلِ الباديةِ: أنّ رجلاً من أهلِ الجنّةِ استأذنَ ربّهُ في الزرعِ فقالَ لهُ: ألستَ فيما شئتَ؟ قالَ: بلى ولكنّي أُحبُّ أنْ أزرعَ. قالَ: فبذرَ فبادرَ الطّرْفَ نباتُهُ واستواؤهُ واستحصادُهُ فكانَ أمثالَ الجبالِ، فيقولُ اللهُ تعالى: دونكَ يا ابنَ آدمَ فإنّهُ لا يُشبعُكَ شيءٌ. فقالَ الأعرابيُّ: واللهِ لا نجدُهُ إلاّ قرشيّاً أو أنصاريّاً فإنّهم أصحابُ زرعٍ، وأمّا نحنُ فلسنا بأصحابِ زرعٍ، فضحكَ النّبيُّ صلى اللهُ عليهِ وسلّم.

CHAPTER. What is said about planting trees.

بابُ ما جاءَ في الغرسِ .

539. Narrated Sahl bin Sa'd رضي الله عنه : We used to be very happy on Fridays as an old lady used to cut some roots of the Silq, which we used to plant on the banks of our small streams, and cook them in a pot of her's, adding to them, some grains of barley. [Ya'qūb, the sub-narrator said, "I think the narrator mentioned that the food did not contain fat or melted fat (taken from meat)."] When we offered the Friday prayer we would go to her and

٥٣٩ - حدّثنا قُتيبةُ بنُ سعيدٍ: حدّثنا يعقوبُ، عن أبي حازمٍ، عن سهلِ بنِ سعدٍ رضيَ اللهُ عنهُ أنّهُ قالَ: إنّا كُنّا لنفرحُ بيومِ الجُمُعةِ، كانتْ لنا عجوزٌ تأخذُ مِنْ أُصولِ سِلْقٍ لنا كُنّا نغرسُهُ في أربعائنا فتجعلُهُ في قِدْرٍ لها، فتجعلُ فيهِ حبّاتٍ مِنْ شعيرٍ لا أعلمُ إلاّ أنّهُ قالَ

she would serve us with the dish. So, we used to be happy on Fridays because of that. We used not to take our meals or the midday nap except after the Jumu a prayer (i. e. Friday prayer).

لَيْسَ فِيهِ شَحْمٌ ولا وَدَكٌ، فإذَا صَلَّيْنَا الجُمُعَةَ زُرْنَاهَا فَقَرَّبَتْهُ إلَيْنَا، فَكُنَّا نَفْرَحُ بِيَوْمِ الجُمُعَةِ مِنْ أجْلِ ذَلِكَ وما كُنَّا نَتَغَدَّى ولا نَقِيلُ إلاَّ بَعْدَ الجُمُعَةِ .

540. Narrated Abū Huraira رضي الله عنه : The people say that Abū Huraira narrates too many narrations. In fact Allāh knows whether I say the truth or not. They also ask, "Why do the emigrants and the Anṣār not narrate as he does?" In fact, my emigrant brethren were busy trading in the markets, and my Anṣār brethren were busy with their properties. I was a poor man keeping the company of Allāh's Apostle ﷺ and was satisfied with what filled my stomach. So, I used to be present while they (i.e. the emigrants and the Anṣār) were absent, and I used to remember while they forgot (the Ḥadīth). One day the Prophet ﷺ said, "Whoever spreads his sheet till I finish this statement of mine and then gathers it on his chest, will never forget anything of my statement." So, I spread my covering sheet which was the only garment I had, till the Prophet ﷺ finished his statement and then I gathered it over my chest. By Him Who had sent him (i. e. Allāh's Apostle ﷺ) with the truth, since then I have never forgotten the words of that statement of his. By Allāh, but for two verses in

٥٤٠ ـ حَدَّثَنَا مُوسَى بنُ إسمَاعِيلَ: حَدَّثَنَا إبْرَاهِيمُ بنُ سَعْدٍ، عَنِ ابنِ شِهَابٍ، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: يَقُولُونَ إنَّ أبا هُرَيْرَةَ يُكْثِرُ واللهِ المَوْعِدُ، ويَقُولُونَ ما لِلْمُهاجِرِينَ والأنْصَارِ لا يُحَدِّثُونَ مِثْلَ أحادِيثِهِ ؟ و إنَّ إخْوَتِي مِنَ المُهاجِرِينَ كانَ يَشْغَلُهُمْ الصَّفْقُ بالأسْوَاقِ، و إنَّ إخْوَتِي من الأنْصَارِ كانَ يَشْغَلُهُمْ عَمَلُ أمْوَالِهِمْ، و كُنْتُ امْرَأً مِسْكِينًا ألْزَمُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عَلَى مِلْءِ بَطْنِي. فأحْضُرُ حِينَ يَغِيبُونَ، و أعِي حِينَ يَنْسَوْنَ. و قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم يَوْمًا: لَنْ يَبْسُطَ أحَدٌ مِنْكُمْ ثَوْبَهُ حَتَّى أقْضِيَ مَقالَتِي هذِهِ ثُمَّ يَجْمَعَهُ إلى صَدْرِهِ فَيَنْسَى مِنْ مَقالَتِي شَيْئًا أبَدًا. فَبَسَطْتُ نَمِرَةً لَيْسَ عَلَيَّ ثَوْبٌ غَيْرُهَا حَتَّى قَضَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم

Allāh's Book, I would never have related any narration (from the Prophet ﷺ)."
(These two verses are):

> 'No doubt, those who hide what has been revealed of evidences and guidance .... (upto)
> .... the Merciful.' (2 : 159)

مَقَالَتَهُ ثُمَّ جَمَعْتُهَا إلى صَدْرِى ، فَوَ الَّذِى بَعَثَهُ بالحقِّ ما نَسِيتُ مِنْ مَقَالَتِهِ تِلْكَ إلى يَوْمِى هذا. واللهِ لَوْلا آيَتَانِ فى كتابِ اللهِ ما حدَّثْتُكُمْ شَيْئًا أبَدًا - إنَّ الَّذِينَ يَكْتُمُونَ ما أنْزَلْنا مِنَ البَيِّناتِ والهُدَى - إلى - الرَّحِيمُ .

In the name of Allāh,
the most Beneficent, the most Merciful

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

DISTRIBUTION OF WATER :

فى لشراب

The Statement of Allāh تعالىٰ :—

> ‘And We made from water every living thing. Will they not then believe.’ (21 : 30)

And His جلّ ذكره statement :—

> ‘What do you think about the water
> which you drink,
> Do you bring it down
> (In rain) from the cloud
> Or We? Were it Our will
> We could make it brackish
> Then why do you not give thanks.’
> (56 : 68)

(Explanation of few Arabic words not translated.)

وقَوْلِ اللهِ تَعالى ـ وجَعَلْنا منَ الماءِ كُلَّ شَىْءٍ حَىٍّ أفَلا يُؤْمِنُونَ ـ وقَوْلِهِ جَلَّ ذِكْرُهُ ـ أفرَأيْتمُ الماءَ الَّذِى تَشْرَبُونَ ـ إلى قَوْلِهِ ـ فَلَوْلا تَشْكُرُونَ ـ أجاجا : مُنْصَبًّا . المُزْنُ : السَّحابُ والأُجاجُ : المُرُّ، فُراتا : عَذْبا .

CHAPTER. Whoever thinks that giving water in charity or as a gift or by way of a testament is permissible, whether it is divided or not. (1)

بابٌ. مَنْ رَأى صَدَقَةَ الماءِ وهِبَتَهُ ووَصِيَّتَهُ جائِزَةً. مَقْسُوما كانَ أوْ غَيرَ مَقْسُومٍ. وقالَ عُثمانُ : قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم : مَنْ يَشْترِى بِئْرَ رُومَةَ فيَكُونُ دَلْوُهُ فيها كدِلاءِ

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(1) Al-Bukhāri wants to refute the opinions of those who think that water cannot be possessed. (Fatḥ-al-Bāri, V. 5, P. 427)

Narrated ʿUthmān ؓ: The Prophet ﷺ said, "Who will buy the well of Rumah (a well-known well in Medīna) (and endow it for the good of Muslims) so that he may use it as the other Muslims do without any privilege?" ʿUthmān ؓ bought it.

541. Narrated Sahl bin Saʿd ؓ: A tumbler (full of milk or water) was brought to the Prophet ﷺ who drank from it, while on his right side there was sitting a boy who was the youngest of those who were present and on his left side there were old men. The Prophet ﷺ asked, "O boy, will you allow me to give it (i.e. the rest of the drink) to the old men?" The boy said, "O Allāh's Apostle! I will not give preference to anyone over me to drink the rest of it from which you have drunk." So, the Prophet ﷺ gave it to him.

542. Narrated Az-Zuhrī: Anas bin Mālik ؓ said, "Once a domestic sheep was milked for Allāh's Apostle ﷺ while he was in the house of Anas bin Mālik. The milk was mixed with water drawn from the well in Anas's house. A tumbler of it was presented to Allāh's Apostle ﷺ who drank from it. Then Abū Bakr was sitting on his left side and a bedouin on his right side. When the Prophet ﷺ removed the tumbler from his mouth, ʿUmar was afraid that the Prophet ﷺ might give it to the bedouin, so he said, "O Allāh's Apostle! Give it to Abū Bakr

الْمُسْلِمِينَ؟ فَاشْتَرَاهَا عُثْمَانُ رَضِيَ اللهُ عَنْهُ.

٥٤١ ـ حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ: حَدَّثَنَا أَبُو غَسَّانَ قَالَ: حَدَّثَنِي أَبُو حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ قَالَ: أُتِيَ النَّبِيُّ صلى اللهُ عليه وسلَّم بِقَدَحٍ فَشَرِبَ مِنْهُ وعَنْ يَمِينِهِ غُلامٌ أَصْغَرُ الْقَوْمِ والأشْيَاخُ عَنْ يَسَارِهِ، فَقَالَ: يا غُلامُ، أَتَأْذَنُ لِي أَنْ أُعْطِيَهُ الأشْيَاخَ؟ قَالَ: ما كُنْتُ لأُوثِرَ بِفَضْلِي مِنْكَ أَحَدًا يا رَسُولَ اللهِ، فأَعْطَاهُ إِيَّاهُ.

٥٤٢ ـ حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي أَنَسُ بْنُ مَالِكٍ رَضِيَ اللهُ عَنْهُ: أَنَّهُ حُلِبَتْ لِرَسُولِ اللهِ صلى اللهُ عليه وسلَّم شَاةٌ دَاجِنٌ وهُوَ فِي دَارِ أَنَسِ بْنِ مَالِكٍ، وشِيبَ لَبَنُهَا بِمَاءٍ مِنَ الْبِئْرِ الَّتِي فِي دَارِ أَنَسٍ، فَأَعْطَى رَسُولَ اللهِ صلى اللهُ عليه وسلَّم الْقَدَحَ فَشَرِبَ مِنْهُ حَتَّى إِذَا نَزَعَ الْقَدَحَ مِنْ فِيهِ وعَلَى يَسَارِهِ أَبُو بَكْرٍ، وعَنْ يَمِينِهِ أَعْرَابِيٌّ. فَقَالَ عُمَرُ و

who is sitting by your side." But the Prophet ﷺ gave it to the bedouin who was to his right and said, "You should start with the one on your right side."

خافَ أنْ يُعْطِيَهُ الأعْرَابيَّ : أعْطِ أبا بَكْرٍ يا رَسُولَ اللهِ عِنْدَكَ ، فأعْطاهُ الأعْرَابيَّ الَّذي عَلى يَمِينِهِ ، ثُمَّ قالَ : الأيْمَنَ فالأيْمَنَ .

CHAPTER. Whoever said, "The owner of the water has the right to drink till he is satisfied as the Prophet ﷺ says, 'Superfluous water should not be withheld from others.'"

بابٌ مَنْ قالَ : إنَّ صاحِبَ الماءِ أحَقُّ بالماءِ حتّى يَرْوَى لِقَوْلِ النَّبيِّ صلى اللهُ عليهِ وسلَّم : لا يُمْنَعُ فَضْلُ الماءِ .

543. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "Do not withhold the superfluous water, for that will prevent people from grazing their cattle." (1)

٥٤٣ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبَرَنا مالِكٌ ، عَنْ أبي الزِّنادِ ، عَنِ الأعْرَجِ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : لا يُمْنَعُ فَضْلُ الماءِ لِيُمْنَعَ بِهِ الكَلأُ .

544. Narrated Abū Huraira ؓ that Allāh's Apostle ﷺ said, "Do not withhold the superfluous water in order to withhold the superfluous grass."

٥٤٤ ـ حدَّثَنا يَحْيَى بنُ بُكَيْرٍ : حدَّثَنا اللَّيْثُ عَنْ عُقَيْلٍ ، عَنِ ابنِ شِهابٍ ، عَنِ ابنِ المُسَيَّبِ و أبي سَلَمَةَ عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : لا تَمْنَعُوا فَضْلَ الماءِ لِتَمْنَعُوا بِهِ فَضْلَ الكَلأِ .

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(1) This Ḥadīth means that if one has a well near which there is a pasture and there is no other source of water in the area, one should not withhold the water from the sheep grazing there, for that would make it impossible for the sheep to graze there as they would be in great need of water after grazing. So, to withhold the water means to prevent sheep from grazing as well. (Fatḥ-al-Bārī, V. 5, P. 429)

CHAPTER. If one digs a well in his own land and somebody falls in it and dies, the owner is not responsible.

باب مَنْ حَفَرَ بِئْرًا فى مِلْكِهِ لَمْ يَضْمَنْ .

545. Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ said, "No blood-money will be charged if somebody dies in a mine or in a well or is killed by an animal; and if somebody finds a treasure in his land he has to give one-fifth of it to the Government." (1)

٥٤٥ ـ حدَّثَنا مَحْمُودٌ : أَخْبَرَنا عُبَيْدُ اللهِ ، عَنْ إِسْرَائِيلَ ، عَنْ أَبى حَصِينٍ ، عَنْ أَبى صَالِحٍ ، عَنْ أَبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قالَ : قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ : المَعْدِنُ جُبارٌ ، وَالبِئْرُ جُبارٌ ، والعَجْماءُ جُبارٌ ، و فى الرِّكازِ الخُمُسُ .

CHAPTER. Controversies about wells and the settlement of such controversies.

باب الخُصُومَةِ فى البِئْرِ والقَضاءِ فِيها .

546. Narrated ʿAbdullāh (bin Masʿūd) ؓ : The Prophet ﷺ said, "Whoever takes an oath falsely to deprive somebody of his property will meet Allāh angry with him." Allāh revealed :

> 'Those who earn a little gain by selling their convention with Allāh and their oaths.' (3 : 77)

٥٤٦ ـ حدَّثَنا عَبْدانُ ، عَنْ أَبى حَمْزَةَ ، عَنِ الأَعْمَشِ ، عَنْ شَقِيقٍ ، عَنْ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُ ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّمَ قالَ : مَنْ حَلَفَ عَلَى يَمِينٍ يَقْتَطِعُ بِها مالَ امْرِئٍ هُوَ عَلَيْها فاجِرٌ ، لَقِىَ اللهَ وَهُوَ

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(1) The owner of the well is not responsible if somebody falls and dies in it, if the well is in his land or in uncultivated land belonging to nobody. (This is true concerning mines also.) But if the well is dug on the way of the Muslims or in the land of somebody else without his permission and somebody falls and dies in it, then the person who has dug the well has to pay blood-money.

If an animal has untied itself and kills somebody or spoils his property, the owner of the animal is not responsible unless he is present at the time of the accident.

(Al-Qasṭalānī, Vol. 4, P. 195, sixth Edition, 1304 A.H.)

Al-Ashʿath came (to the place where ʿAbdullāh was narrating) and said, "What has Abū ʿAbdur-Raḥmān (i. e. ʿAbdullāh) been telling you? This verse was revealed concerning me. I had a well in the land of a cousin of mine. The Prophet ﷺ asked me to bring witnesses (to confirm my claim). I said, 'I don't have witnesses.' He said, 'Let the defendant take an oath then.' I said, 'O Allāh's Apostle! He will take a (false) oath immediately.' Then the Prophet ﷺ mentioned the above narration and Allāh revealed the verse to confirm what he had said."

CHAPTER. The sin of him who withholds water from travellers.

547. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, "There are three persons whom Allāh will not look at on the Day of Resurrection, nor will he purify them and there shall be a severe punishment for them. They are:

1. A man who possesses superfluous water on the way and withholds it from travellers.
2. A man who gives a solemn pledge to the ruler for wordly benefits only, so that, if the ruler gives him something he gets satisfied, and if the ruler withholds something from him, he gets dissatisfied.
3. And man who displays his goods for sale after the ʿAsr prayer and says, 'By Allāh, except

عَلَيْهِ غَضْبَانُ ، فَأَنْزَلَ اللهُ تَعَالَى - إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلاً - الآيَةَ . فَجَاءَ الأَشْعَثُ فَقَالَ : مَا حَدَّثَكُمْ أَبُو عَبْدِ الرَّحْمَنِ فِيَّ أُنْزِلَتْ هَذِهِ الآيَةُ . كَانَتْ لِى بِئْرٌ فِى أَرْضِ ابْنِ عَمٍّ لِى ، فَقَالَ لِى : شُهُودَكَ قُلْتُ : مَا لِى شُهُودٌ ، قَالَ : فَيَمِينَهُ ، قُلْتُ يَا رَسُولَ اللهِ إِذًا يَحْلِفَ ، فَذَكَرَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم هَذَا الحَدِيثَ ، فَأَنْزَلَ اللهُ ذَلِكَ تَصْدِيقًا لَهُ .

بابُ إِثْمِ مَنْ مَنَعَ ابنَ السَّبِيلِ مِنَ المَاءِ .

٥٤٧ - حَدَّثَنَا مُوسَى بنُ إِسْمَاعِيلَ : حَدَّثَنَا عَبْدُ الوَاحِدِ بنُ زِيَادٍ ، عَنِ الأَعْمَشِ قَالَ : سَمِعْتُ أَبَا صَالِحٍ يَقُولُ : سَمِعْتُ أَبَا هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ يَقُولُ : قَالَ : رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : ثَلاثَةٌ لا يَنْظُرُ اللهُ إِلَيْهِمْ يَوْمَ القِيَامَةِ وَلا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ : رَجُلٌ كَانَ لَهُ فَضْلُ مَاءٍ بِالطَّرِيقِ فَمَنَعَهُ مِنِ ابْنِ السَّبِيلِ ، وَرَجُلٌ بَايَعَ إِمَاما لا يُبَايِعُهُ إِلاَّ لِدُنْيَا فَإِنْ أَعْطَاهُ مِنْهَا رَضِىَ وَإِنْ لَمْ يُعْطِهِ مِنْهَا سَخِطَ ، وَرَجُلٌ أَقَامَ سِلْعَتَهُ بَعْدَ العَصْرِ فَقَالَ : وَاللهِ الَّذِى لا إِلَهَ غَيْرُهُ لَقَدْ أُعْطِيتُ بِهَا

Whom None has the right to be worshipped, I have been given so much for my goods,' and somebody believes him (and buys them)."

The Prophet ﷺ then recited :—

> 'Those who earn a little gain by selling their conventions with Allāh and their oaths.' (3 : 77)

CHAPTER. The dams of rivers.

548. Narrated ʿAbdullāh bin Az-Zubair : An Anṣārī man quarrelled with Az-Zubair in the presence of the Prophet ﷺ about the Ḥarra Canals which were used for irrigating the date-palms. The Anṣārī man said to Az-Zubair, "Let the water pass," but Az-Zubair refused to do so. So, the case was brought before the Prophet ﷺ who said to Az-Zubair, "O Zubair! Irrigate (your land) and then let the water pass to your neighbour." On that the Anṣārī got angry and said to the Prophet ﷺ, "Is it because he (i.e. Zubair) is your aunt's son ?" On that the colour of the face of Allāh's Apostle ﷺ changed (because of anger) and he said, "O Zubair! Irrigate (your land) and then withhold the water till it reaches the walls between the pits round the trees." Zubair said, "By Allāh, I think that the following verse was revealed on this occasion" :—

> 'But no, by your Lord

كَذَا وَكَذَا فَصَدَّقَهُ رَجُلٌ، ثُمَّ قَرَأَ هٰذِهِ الآيَةَ ـ إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا ـ .

بابُ سَكْرِ الأَنْهَارِ .

٥٤٨ ـ حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ قَالَ: حَدَّثَنِي ابْنُ شِهَابٍ، عَنْ عُرْوَةَ. عَنْ عَبْدِ اللهِ بْنِ الزُّبَيْرِ رَضِيَ اللهُ عَنْهُمَا: أَنَّهُ حَدَّثَهُ أَنَّ رَجُلًا مِنَ الأَنْصَارِ خَاصَمَ الزُّبَيْرَ عِنْدَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم فِي شِرَاجِ الحَرَّةِ الَّتِي يَسْقُونَ بِهَا النَّخْلَ، فَقَالَ الأَنْصَارِيُّ: سَرِّحِ المَاءَ يَمُرُّ فَأَبَى عَلَيْهِ، فَاخْتَصَمَا عِنْدَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم لِلزُّبَيْرِ: اسْقِ يَا زُبَيْرُ ثُمَّ أَرْسِلِ المَاءَ إِلَى جَارِكَ، فَغَضِبَ الأَنْصَارِيُّ فَقَالَ: أَنْ كَانَ ابْنَ عَمَّتِكَ؟ فَتَلَوَّنَ وَجْهُ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم ثُمَّ قَالَ: اسْقِ يَا زُبَيْرُ ثُمَّ احْبِسِ المَاءَ حَتَّى يَرْجِعَ إِلَى الجَدْرِ. فَقَالَ الزُّبَيْرُ: وَاللهِ إِنِّي لَأَحْسِبُ هٰذِهِ الآيَةَ نَزَلَتْ فِي ذٰلِكَ ـ فَلَا وَرَبِّكَ

They can have
No (real) faith
Until they make you judge
In disputes between them.' (4 : 65)

CHAPTER. The land nearer to the source of water has the right to be irrigated before the one that is farther.

549. Narrated ʿUrwa ؓ : When a man from the Anṣār quarrelled with Az-Zubair, the Prophet ﷺ said, "O Zubair! Irrigate (your land) first and then let the water flow (to the land of the others)." "On that the Anṣāri said, (to the Prophet ﷺ), "It is because he is your aunt's son." On that the Prophet ﷺ said, "O Zubair! Irrigate till the water reaches the walls between the pits around the trees and then stop (i. e. let the water go to the other's land)." I think the following verse was revealed concerning this event :—

'But no, by your Lord
They can have
No (real) faith
Until they make you judge
In disputes between them.' (4 : 65)

CHAPTER. The land nearer to the source of water has the right to be covered with water up to the ankles.

550. Narrated ʿUrwa bin Az-Zubair ؓ : An-Anṣāri man quarrelled with Az-Zubair about a canal in the Ḥarra which

لا يُؤْمِنُونَ حتَّى يُحَكِّمُوكَ فِيما شَجَرَ بَيْنَهُمْ ـ قالَ مُحَمَّدُ بنُ العَبَّاسِ: قالَ أبُو عَبْدِ اللهِ: لَيْسَ أحَدٌ يَذْكُرُ عُرْوَةَ عَنْ عَبْدِ اللهِ إلاَّ اللَّيْثُ فَقَطْ.

بابُ شُرْبِ الأعْلى قَبْلَ الأسْفَلِ.

٥٤٩ ـ حدَّثَنا عَبْدَانُ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ قالَ: خاصَمَ الزُّبَيْرُ رَجُلاً مِنَ الأنْصَارِ فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: يا زُبَيْرُ، اسْقِ ثُمَّ أرْسِلْ. فَقالَ الأنْصَارِيُّ: أنَّهُ ابنُ عَمَّتِكَ؟ فَقالَ عَلَيْهِ السَّلامُ: اسْقِ يا زُبَيْرُ ثُمَّ يَبْلُغُ المَاءُ الجَدْرَ ثُمَّ أمْسِكْ. فَقالَ الزُّبَيْرُ: فأحْسِبُ هذِهِ الآيَةَ نَزَلَتْ فى ذلكَ ـ فَلا وَرَبِّكَ لا يُؤْمِنُونَ حتَّى يُحَكِّمُوكَ فِيما شَجَرَ بَيْنَهُمْ ـ.

بابُ شُرْبِ الأعْلى إلى الكَعْبَيْنِ.

٥٥٠ ـ حدَّثَنا مُحَمَّدٌ: أخْبَرَنا مَخْلَدٌ قالَ: أخْبَرَنِى ابنُ جُرَيْجٍ قالَ: حدَّثَنى ابنُ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيْرِ أنَّهُ

was used for irrigating date-palms. Allāh's Apostle ﷺ, ordering Zubair to be moderate, said, "O Zubair! Irrigate (your land) first and then leave the water for your neighbour." The Anṣārī said, "Is it because he is your aunt's son?" On that the colour of the face of Allāh's Apostle ﷺ changed and he said, "O Zubair! Irrigate (your land) and with-hold the water till it reaches the walls that are between the pits around the trees." So, Allāh's Apostle ﷺ gave Zubair his full right. Zubair said, "By Allāh, the following verse was revealed in that connection":—

'But no, by your Lord
They can have
No (real) faith
Until they make you judge
In disputes between them.' (4-65)

(The sub-narrator,) Ibn Shihāb said to Juraij (another sub-narrator), "The Anṣār and the other people interpreted the saying of the Prophet ﷺ, 'Irrigate (your land) and with-hold the water till it reaches the walls between the pits around the trees,' as meaning up to the ankles."

حَدَّثَهُ أنَّ رَجُلاً مِنَ الأنْصَارِ خاصَمَ الزُّبَيرَ فى شِرَاجٍ مِنَ الحَرَّةِ يَسْقِى بِها النَّخْلَ. فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: اسْقِ يا زُبَيرُ، فأمَرَهُ بالمَعْرُوفِ، ثُمَّ أرْسِلْ إلى جارِكَ. فَقالَ الأنْصارِيُّ: أنْ كانَ ابنَ عَمَّتِكَ؟ فَتَلَوَّنَ وجْهُ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم ثُمَّ قالَ: اسْقِ ثُمَّ احْبِسْ يَرْجِعُ الماءُ إلى الجَدْرِ، واسْتَوْعَى لهُ حَقَّهُ. فَقالَ الزُّبَيرُ: واللهِ إنَّ هذهِ الآيَةَ أُنْزِلَتْ فى ذلكَ - فَلا وَرَبِّكَ لا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيما شَجَرَ بَيْنَهُمْ - فَقالَ لِى ابنُ شِهابٍ: فَقَدَّرَتِ الأنْصارُ والنَّاسُ قَوْلَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: اسْقِ ثُمَّ احْبِسْ حَتَّى يَرْجِعَ إلى الجَدْرِ: وكانَ ذَلكَ إلى الكَعْبَيْنِ. الجَدْرُ هُوَ الأصْلُ.

CHAPTER. The superiority of providing water (to those who need it).

بابُ فَضْلِ سَقْيِ المَاءِ.

551. Narrated Abū Huraira رضي الله عنه Allāh's Apostle ﷺ said, "While a man was walking he felt thirsty and went down a well and drank water from it. On coming out of it, he saw a dog panting and

٥٥١ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنْ سُمَيٍّ، عَنْ أبى صَالِحٍ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: بَيْنَما

eating mud because of excessive thirst. The man said, ' This (dog) is afflicted with the same problem as I was suffering from.' He (went down the well), filled his shoe with water, caught hold of it with his teeth and climbed up and watered the dog. Allāh accepted his (good) deed and forgave him (his sins)." The people asked, " O Allāh's Apostle ! Is there a reward for us in serving (the) animals?" He replied, "Yes, there is a reward for serving any animate."

رَجُلٌ يَمْشِى فَاشْتَدَّ عَلَيْهِ الْعَطَشُ فَنَزَلَ بِئْرًا فَشَرِبَ مِنْهَا، ثُمَّ خَرَجَ فَإِذَا هُوَ بِكَلْبٍ يَلْهَثُ، يَأْكُلُ الثَّرَى مِنَ الْعَطَشِ. فَقَالَ: لَقَدْ بَلَغَ هَذَا مِثْلُ الَّذِى بَلَغَ بِى، فَمَلأَ خُفَّهُ ثُمَّ أَمْسَكَهُ بِفِيهِ، ثُمَّ رَقِىَ فَسَقَى الْكَلْبَ فَشَكَرَ اللهُ لَهُ فَغَفَرَ لَهُ. قَالُوا: يَا رَسُولَ اللهِ، وَإِنَّ لَنَا فِى الْبَهَائِمِ أَجْرًا؟ قَالَ: فِى كُلِّ كَبِدٍ رَطْبَةٍ أَجْرٌ. تَابَعَهُ حَمَّادُ بْنُ سَلَمَةَ وَالرَّبِيعُ بْنُ مُسْلِمٍ، عَنْ مُحَمَّدِ بْنِ زِيَادٍ.

552. Narrated Asmā' bint Abī Bakr ؓ : After the Prophet ﷺ offered the eclipse prayer, he said, "Hell was displayed so close that I said, 'O my Lord! Am I going to be one of its inhabitants?' " Suddenly he saw a woman. I think he said, who was being scratched by a cat. He said, "What is wrong with her?" He was told, "She had imprisoned it (i. e. the cat) till it died of hunger."

٥٥٢ - حَدَّثَنَا ابْنُ أَبِى مَرْيَمَ: حَدَّثَنَا نَافِعُ بْنُ عُمَرَ، عَنِ ابْنِ أَبِى مُلَيْكَةَ، عَنْ أَسْمَاءَ بِنْتِ أَبِى بَكْرٍ رَضِىَ اللهُ عَنْهُمَا: أَنَّ النَّبِىَّ صلى الله عليه وسلم صَلَّى صَلاةَ الْكُسُوفِ فَقَالَ: دَنَتْ مِنِّى النَّارُ حَتَّى قُلْتُ أَىْ رَبِّ وَأَنَا مَعَهُمْ. فَإِذَا امْرَأَةٌ حَسِبْتُ أَنَّهُ قَالَ تَخْدِشُهَا هِرَّةٌ، قَالَ: مَا شَأْنُ هَذِهِ؟ قَالُوا: حَبَسَتْهَا حَتَّى مَاتَتْ جُوعًا.

553. Narrated ʿAbdullāh bin ʿUmar ؓ : Allāh's Apostle ﷺ said, " A woman was tortured and was put in Hell because of a cat which she had kept locked till it died of hunger." Allāh's Apostle ﷺ further said, "Allāh (or the gatekeeper of Hell), and Allāh knows better, said (to the woman), ' You did not feed

٥٥٣ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِى مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِىَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ صلى الله عليه وسلم قَالَ: عُذِّبَتِ امْرَأَةٌ فِى هِرَّةٍ حَبَسَتْهَا حَتَّى مَاتَتْ جُوعًا فَدَخَلَتْ فِيهَا النَّارَ، قَالَ: فَقَالَ، وَاللهُ أَعْلَمُ، لا أَنْتِ أَطْعَمْتِيهَا وَلا سَقَيْتِيهَا حِينَ حَبَسْتِيهَا، وَلا

nor water it when you locked it up, nor did you set it free to eat the insects of the earth.' "

CHAPTER. Whoever thinks that the owner of a tank or of a leather water-container has more right to use the water than any other person.

554. Narrated Sahl bin Sa'd ؓ : Once a tumbler (full of milk or water) was brought to Allāh's Apostle ﷺ who drank from it, while on his right side there was sitting a boy who was the youngest of those who were present, and on his left side there were old men. The Prophet ﷺ asked, "O boy! Do you allow me to give (the drink) to the elder people (first)?" The boy said, "I will not prefer anybody to have my share from you, O Allāh's Apostle!" So, he gave it to the boy.

555. Narrated Abū Huraira ؓ : The Prophet ﷺ said, "By Him in Whose Hands my soul is, I will drive away some people from my (sacred) Fount on the Day of Resurrection as strange camels are expelled from a private trough."

556. Narrated Ibn 'Abbās ؓ : The Prophet ﷺ said, "May Allāh be merciful to the mother of Ishmael! If she had left the water of Zum-Zum (fountain) as it was, (without constructing a basin for

أَنْتِ أَرْسَلْتِيهَا فَأَكَلَتْ مِنْ خُشَاشِ الأَرْضِ .

باب مَنْ رَأَى أَنَّ صَاحِبَ الحَوْضِ أَوِ القِرْبَةِ أَحَقُّ بِمَائِهِ .

٥٥٤ ـ حَدَّثَنَا قُتَيْبَةُ : حَدَّثَنَا عَبْدُ العَزِيزِ ، عَنْ أَبِي حَازِمٍ ، عَنْ سَهْلِ ابْنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ قَالَ : أُتِيَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم بِقَدَحٍ فَشَرِبَ وَعَنْ يَمِينِهِ غُلَامٌ هُوَ أَحْدَثُ القَوْمِ ، والأَشْيَاخُ عَنْ يَسَارِهِ ، قَالَ : يَا غُلَامُ ، أَتَأْذَنُ لِي أَنْ أُعْطِيَ الأَشْيَاخَ ؟ فَقَالَ : ما كُنْتُ لأُوثِرَ بِنَصِيبِي مِنْكَ أَحَدًا يا رَسُولَ اللهِ ، فَأَعْطَاهُ إِيَّاهُ .

٥٥٥ ـ حَدَّثَنَا مُحَمَّدُ بنُ بَشَّارٍ : حَدَّثَنَا غُنْدَرٌ : حَدَّثَنَا شُعْبَةُ ، عَنْ مُحَمَّدِ بْنِ زِيَادٍ : سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قَالَ : وَالَّذِي نَفْسِي بِيَدِهِ لأَذُودَنَّ رِجَالاً عَنْ حَوْضِي كَمَا تُذَادُ الغَرِيبَةُ مِنَ الإِبِلِ عَنِ الحَوْضِ .

٥٥٦ ـ حَدَّثَنِي عَبْدُ اللهِ بنُ مُحَمَّدٍ : أَخْبَرَنَا عَبْدُ الرَّزَّاقِ : أَخْبَرَنَا مَعْمَرٌ ، عَنْ أَيُّوبَ وَكَثِيرِ بْنِ كَثِيرٍ ، يَزِيدُ أَحَدُهُمَا عَلَى الآخَرِ ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ :

keeping the water), (or said, "If she had not taken handfuls of its water"), it would have been a flowing stream. Jurhum (an Arab tribe) came and asked her, 'May we settle at your dwelling?' She said, 'Yes, but you have no right to possess the water.' They agreed."

قَالَ ابنُ عَبَّاسٍ رَضِيَ اللهُ عَنهُما: قَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: يَرْحَمُ اللهُ أُمَّ إسماعِيلَ، لَوْ تَرَكَتْ زَمْزَمَ أَوْ قَالَ لَوْ لَمْ تَغْرِفْ مِنَ المَاءِ لَكانَتْ عَيْنًا مَعِينًا. و أَقْبَلَ جُرْهُمُ فَقَالُوا: أَتَأْذَنِينَ أَنْ نَنْزِلَ عِنْدَكِ؟ قالَتْ: نَعَمْ ولاحَقَّ لَكُمْ فى المَاءِ، قالُوا: نَعَمْ.

557. Narratted Abū Huraira رضي الله عنه : The Prophet ﷺ said, "There are three types of people whom Allāh will neither talk to, nor look at, on the Day of Resurrection. (They are):

1. A man who takes an oath falsely that he has been offered for his goods so much more than what he is given,
2. a man who takes a false oath after the ʿAṣr prayer in order to grab a Muslim's property, and
3. a man who with-holds his superfluous water. Allāh will say to him, "Today I will with-hold My Grace from you as you with-held the superfluity of what you had not created."

٥٥٧ - حدَّثنى عَبْدُ اللهِ بنُ مُحمَّدٍ: حدَّثنا سُفْيانُ، عَنْ عَمْرٍو، عَنْ أبي صَالِحٍ السَّمَّانِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ: ثَلاثَةٌ لا يُكَلِّمُهُمُ اللهُ يَوْمَ القِيامَةِ ولا يَنْظُرُ إلَيْهِمْ: رَجُلٌ حَلَفَ عَلَى سِلْعَةٍ لَقَدْ أُعْطِيَ بِها أَكْثَرَ مِمَّا أُعْطِيَ وَهُوَ كاذِبٌ، ورَجُلٌ حَلَفَ عَلَى يَمِينٍ كاذِبَةٍ بَعْدَ العَصْرِ لِيَقْتَطِعَ بِها مالَ رَجُلٍ مُسْلِمٍ. و رَجُلٌ مَنَعَ فَضْلَ مائِهِ فَيَقُولُ اللهُ: اليَوْمَ أَمْنَعُكَ فَضْلِي كما مَنَعْتَ فَضْلَ ما لَمْ تَعْمَلْ يَدَاكَ. قالَ عَلِيٌّ: حَدَّثنا سُفْيانُ غَيْرَ مَرَّةٍ، عَنْ عَمْرٍو: سَمِعَ أبا صَالِحٍ يَبْلُغُ بِهِ النَّبِيَّ صلى اللهُ عليهِ وسلَّم.

CHAPTER. No Ḥimā (Land to be kept for special pasturing) except accord-

بابٌ - لا حِمَى إلاَّ للهِ ولِرَسُولِهِ صلى اللهُ عليه وسلَّم.

ing to what Allāh and His Apostle ﷺ did.(1)

558. Narrated As-Saʿb bin Jaththāma: Allāh's Apostle ﷺ said, "No Ḥimā(2) except for Allāh and His Apostle ﷺ.(3) We have been told that Allāh's Apostle ﷺ made a place called An-Naqīʿ as Ḥimā, and ʿUmar made Ash-Sharaf and Ar-Rabadha Ḥimā (for grazing the animals of Zakāt).

٥٥٨ ـ حَدَّثَنَا يَحْيَى بنُ بُكَيرٍ : حَدَّثَنَا اللَّيْثُ ، عَنْ يُونُسَ ، عنِ ابنِ شِهابٍ ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما : أنَّ الصَّعْبَ بنَ جَثَّامَةَ قالَ : إنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : لا حِمَى إلاَّ للهِ ولِرَسُولِهِ . وقالَ : بَلَغَنا أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم حَمَى النَّقِيعَ وأنَّ عُمَرَ حَمَى الشَّرَفَ والرَّبَذَةَ .

CHAPTER. Drinking water by people and watering animals from the rivers.

بابٌ شُرْبِ النَّاسِ وسَقْيِ الدَّوابِّ مِنَ الأنْهارِ .

559. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, "Keeping horses may be a source of reward to some

٥٥٩ ـ حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبَرَنا مالِكُ بنُ أنَسٍ ، عَنْ زَيْدِ بنِ

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(1) This means that the Imam has the right to assign certain pastures for certain purposes (e. g. for grazing the animals of the Zakāt). No body would then have the right to use the pastures for other purposes. (Fatḥ-al-Bārī, V. 5, P. 771)

(2) The origin of this word is that when an Arab chief came to a certain place suitable for pasturing, he would let his dog bark at a high place. The area across which the sound of the dog spread would be a private pasture for the chief's cattle, and nobody else would have the right to graze his cattle in it. So Ḥimā means a private pasture, originally belonging to nobody, and nobody is allowed to cultivate it, but it is kept for grazing private animals. (Fatḥ-al-Bārī, V. 5, P. 772)

(3) Allāh's Apostle ﷺ and the Muslim leaders only have the right to keep pastures of this sort; no individual has the right to keep Ḥimā for his personal good as the Arabs used to do in the Pre-Islamic Ignoront Period. (ʿIbīd.)

أَسْلَمَ ، عَنْ أَبِي صَالِحٍ السَّمَّانِ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قَالَ : الخَيْلُ لِرَجُلٍ أَجْرٌ ، وَلِرَجُلٍ سِتْرٌ ، وَعَلَى رَجُلٍ وِزْرٌ . فَأَمَّا الذى لَهُ أَجْرٌ فَرَجُلٌ رَبَطَهَا فى سَبِيلِ اللهِ فَأَطَالَ بِهَا فى مَرْجٍ أَوْ رَوْضَةٍ ، فَمَا أَصَابَتْ فى طِيَلِهَا ذَلِكَ مِنَ المَرْجِ أَوِ الرَّوْضَةِ كَانَتْ لَهُ حَسَنَاتٍ وَلَوِ انْقَطَعَ طِيَلُهَا فَاسْتَنَّتْ شَرَفًا أَوْ شَرَفَيْنِ كَانَتْ آثَارُهَا وَأَرْوَاثُهَا حَسَنَاتٍ لَهُ . وَلَوْ أَنَّهَا مَرَّتْ بِنَهَرٍ فَشَرِبَتْ مِنْهُ وَلَمْ يُرِدْ أَنْ يَسْقِيَ كَانَ ذَلِكَ حَسَنَاتٍ لَهُ ، فَهِيَ لِذَلِكَ أَجْرٌ . وَرَجُلٌ رَبَطَهَا تَغَنِّيًا وَتَعَفُّفًا ثُمَّ لَمْ يَنْسَ حَقَّ اللهِ فى رِقَابِهَا وَلَا ظُهُورِهَا فَهِيَ لِذَلِكَ سِتْرٌ . وَرَجُلٌ رَبَطَهَا فَخْرًا وَرِيَاءً وَنِوَاءً لِأَهْلِ الإِسْلَامِ ، فَهِيَ عَلَى ذَلِكَ وِزْرٌ . وَسُئِلَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم عَنِ الحُمُرِ ، فَقَالَ : مَا أُنْزِلَ عَلَيَّ فِيهَا شَيْءٌ إِلَّا هَذِهِ الآيَةُ الجَامِعَةُ الفَاذَّةُ - فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ - .

(man), a shelter to another (i. e. a means of earning one's living), or a burden to a third.(1) He to whom the horse will be a source of reward is the one who keeps it in Allāh's Cause (prepare it for holy battles) and ties it by a long rope in a pasture (or a garden). He will get a reward equal to what its long rope allows it to eat in the pasture or the garden, and if that horse breaks its rope and crosses one or two hills, then all its foot-steps and its dung will be counted as good deeds for its owner; and if it passes by a river and drinks from it, then that will also be regarded as a good deed for its owner even if he has had no intention of watering it then. Horses are a shelter from poverty to the second person who keeps horses for earning his living so as not to ask others, and at the same time he gives Allāh's right (i.e. Zakāt) (from the wealth he earns through using them in trading etc.,) and does not overburden them. He who keeps horses just for bragging and showing off and as a means of harming the Muslims, his horses will be a source of sins to him."

When Allāh's Apostle ﷺ was asked about donkeys, he replied, "Nothing particular was revealed to me regarding them except this general unique verse which is applicable to everything :

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(1) Horses are kept as a means of conveyance or for commercial purposes. One may use them in the way that pleases Allāh and gets a reward for his obedience, another may use them in disobeying Allāh and is consequently punished, and still another may use them just for earning his living. (Qastalānī, V. 4, P. 206)

‘Whoever does goodness, equal to
  the weight of a small ant
Will find it,
And whoever does evil, equal to
  the weight of a small ant
Will find it,
(On the Day of Resurrection).’ (1)

560. Narrated Zaid bin Khālid ؓ : A man came to Allāh's Apostle ﷺ and asked about Al-Luqaṭa (a fallen thing). The Prophet ﷺ said, “Recognise its container and the tie of its container and then make a public announcement about it for one year and if its owner shows up, give it to him; otherwise use it as you like.” The man said, “What about a lost sheep?” The Prophet ﷺ said, “It is for you, your brother or the wolf.”(2) The man said “What about a lost camel?” The Prophet ﷺ said, “Why should you take it as it has got its water-container (its stomach) and its hooves and it can reach the places of water and can eat the trees till its owner finds it?”(3)

٥٦٠ ـ حدَّثَنا إسمَاعيلُ: حدَّثنا مالكٌ عَنْ رَبيعَةَ بن أبي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلى المُنْبَعِثِ، عَنْ زَيْدِ ابنِ خالدٍ، رَضِيَ اللهُ عَنْهُ قالَ: جاءَ رَجُلٌ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَسألَهُ عَنِ اللُّقَطَةِ فَقالَ: اعْرِفْ عفاصَها و وِكاءَها، ثُمَّ عَرِّفْها سَنَةً، فإنْ جاءَ صَاحِبُها و إلاَّ فَشَأنَكَ بِها. قالَ: فَضالَّةُ الغَنَمِ؟، قالَ: هِيَ لَكَ أوْ لأخيكَ أوْ للذِّئْب، قالَ: فَضالَّةُ الإبلِ؟ قالَ: مالكَ و لَها؟ مَعَها سقاؤُها و حذاؤُها، تَرِدُ المَاءَ و تأكُلُ الشَّجَرَ حتَّى يَلْقاها رَبُّها.

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(1) This means that if one treats his donkeys kindly and does not over burden them, he will be rewarded for that in the Hereafter, and if he does the opposite he will gain the fruit of his ill-behaviour. (Qastalani, V. 4, P. 207)

(2) It is for you if its owner does not show up, or for its owner if he shows up, or for the wolf to eat if you leave it and its owner does not find it.

(3) The Prophet ﷺ forbids the man from taking the lost camel because it can stay in the desert for a long period without any danger. It is like a well-provided traveller; it can reach its destination.

CHAPTER. The selling of wood and grass.

بَابُ بَيْعِ الحَطَبِ والكَلَإِ.

561. Narrated Az-Zubair bin Al-ʿAwwām رضي الله عنه : The Prophet ﷺ said, "No doubt, one had better take a rope (and cut) and tie a bundle of wood and sell it whereby Allāh will keep his face away (from Hell-fire) rather than ask others who may give him or not."

٥٦١ - حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ: حَدَّثَنَا وُهَيْبٌ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنِ الزُّبَيْرِ بْنِ العَوَّامِ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَ: لأَنْ يَأْخُذَ أَحَدُكُمْ أَحْبُلا فَيَأْخُذَ حُزْمَةً مِنْ حَطَبٍ فَيَبِيعَ فَيَكُفَّ اللهُ بِهِ وجْهَهُ خَيْرٌ مِنْ أَنْ يَسْأَلَ النَّاسَ أُعْطِىَ أَمْ مُنِعَ.

562. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "No doubt, you had better gather a bundle of wood and carry it on your back (and earn your living thereby) rather than ask somebody who may give you or not."

٥٦٢ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنْ أَبى عُبَيْدٍ مَوْلَى عَبْدِ الرَّحْمَنِ ابنِ عَوْفٍ: أَنَّهُ سَمِعَ أَبا هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ يَقُولُ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: لأَنْ يَحْتَطِبَ أَحَدُكُمْ حُزْمَةً عَلَى ظَهْرِهِ خَيْرٌ لَهُ مِنْ أَنْ يَسْأَلَ أَحَدًا فَيُعْطِيَهُ أَوْ يَمْنَعَهُ.

563. Narrated Ibn Juraij from Ibn Shihāb from ʿAlī bin Ḥusain bin ʿAlī from his father Ḥusain bin ʿAlī رضي الله عنهم : ʿAlī bin Abī Ṭalib رضي الله عنه said, "I got a she-camel as my share of the war booty on the day (of the battle) of Badr, and Allāh's Apostle ﷺ gave me another she-camel. I let both of them kneel at the door of one of the Anṣār, intending to carry Idhkhir on them

٥٦٣ - حَدَّثَنَا إِبْرَاهِيمُ بنُ مُوسَى: أَخْبَرَنا هِشامٌ: أَنَّ ابنَ جُرَيْجٍ أَخْبَرَهُمْ قالَ: أَخْبَرَنى ابنُ شِهابٍ، عَنْ عَلِىِّ بنِ حُسَيْنِ بنِ عَلِىٍّ، عَنْ أَبِيهِ حُسَيْنِ بنِ عَلِىٍّ، عَنْ عَلِىِّ بنِ أَبى طالِبٍ رَضِىَ اللهُ عَنْهُمْ أَنَّهُ قالَ: أَصَبْتُ شارِفًا مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم

to sell it and use its price for my wedding banquet on marrying Fāṭima. A goldsmith from Banī Qainqā‘ was with me. Ḥamza bin ‘Abdul-Muṭṭalib was in that house drinking wine and a lady singer was reciting :

> ‘ O Ḥamza ! (Kill) the (two) fat old she-camels (and serve them to your guests) . ’

So, Ḥamza took his sword and went towards the two she-camels and cut off their humps and opened their flanks and took a part of their livers. " (I said to Ibn Shihāb, " Did he take part of the humps?" He replied, " He cut off their humps and carried them away.") ‘Alī رضي الله عنه went on, " When I saw that dreadful sight, I went to the Prophet ﷺ and told him the news. The Prophet ﷺ came out in the company of Zaid bin Ḥāritha who was with him then, and I too went with them. He went to Ḥamza and spoke harshly to him. Ḥamza looked up and said, ‘ Aren't you only the slaves of my forefathers ? ’ The Prophet ﷺ retreated and went out. This incident happened before the prohibition of drinking."

CHAPTER. The uncultivated pieces of land granted by the ruler to some individuals.

فى مَغْنَمٍ يَوْمَ بَدْرٍ، قالَ و أعْطانى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم شارِفاً أخْرَى فأَنَخْتُهما يَوْماً عِنْدَ بابِ رَجُلٍ مِنَ الأنْصَارِ و أنا أُرِيدُ أنْ أحْمِلَ عَلَيهِما إذْخِراً لأبِيعَهُ و مَعِىَ صَائِغٌ مِنْ بَنِى قَيْنقاعُ فأَسْتَعِينُ بِهِ عَلى وليمَةِ فَاطِمَةَ، وَحَمْزَةُ بنُ عَبْدِ المُطَّلِبِ يَشْرَبُ فى ذَلِكَ البَيْتِ مَعَهُ قَيْنَةٌ، فَقالَتْ ٭ ألا يا حَمْزَةُ لِلشُّرُفِ النِّوَاءِ ٭ فَثارَ إلَيهِمَا حَمْزَةُ بالسَّيْفِ فَجَبَّ أسْنِمَتَهما و بَقَرَ خَوَاصِرَهُمَا ثُمَّ أخَذَ مِنَ أكْبادِهِمَا، قُلْتُ لابنِ شِهابٍ: ومِنْ السَّنامِ؟ قالَ: قَدْ جَبَّ أسْنِمَتَهُما فَذَهَبَ بِها. قالَ ابنُ شِهابٍ: قالَ عَلىٌّ رَضِىَ اللهُ عَنْهُ: فَنَظَرْتُ إلى مَنْظَرٍ أفْظَعَنى فَأتَيْتُ نَبِىَّ اللهِ صلى اللهُ عليهِ وسلَّم و عِنْدَهُ زَيْدُ بنُ حارِثَةَ فأخْبَرْتُهُ الخَبَرَ، فَخَرَجَ و مَعَهُ زَيْدٌ فانْطَلَقْتُ مَعَهُ فَدَخَلَ عَلى حَمْزَةَ فَتَغَيَّظَ عَلَيْهِ فَرَفَعَ حَمْزَةُ بَصَرَهُ وقالَ: هَلْ أنْتُمْ إلاَّ عَبِيدٌ لآبائى؟ فَرَجَعَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يُقَهْقِرُ حتَّى خَرَجَ عَنْهُمْ و ذَلِكَ قَبْلَ تَحْرِيمِ الخَمْرِ.

بابُ القَطائعِ.

564. Narrated Anas ؓ : The Prophet ﷺ decided to grant a portion of (the uncultivated land of) Bahrain to the Anṣār. The Anṣār said, "(We will not accept it) till you give a similar portion to our emigrant brothers (from Quraish)." He said, "(O Anṣār!) You will soon see people giving preference to others, so remain patient till you meet me (on the Day of Resurrection). (1)

CHAPTER. Documentation of the land grants.

Narrated Anas ؓ : The Prophet ﷺ called the Anṣār so as to grant them a portion of (the land of) Bahrain. They said, "O Allāh's Apostle! If you grant this to us, write a similar document to our Quraish (emigrant) brothers." But the Prophet ﷺ did not have enough grants and he said, "After me you will see the people giving preference (to others), so be patient till you meet me."(2)

٥٦٤ ـ حَدَّثَنا سُلَيْمانُ بنُ حَرْبٍ : حَدَّثَنَا حَمَّادٌ ، عَنْ يَحْيَى بنِ سَعِيدٍ قالَ : سَمِعْتُ أَنَسًا رَضِيَ اللهُ عَنْهُ قالَ : أَرَادَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم أن يُقْطِعَ مِنَ البَحْرَيْنِ فقالَتِ الأَنْصارُ : حتَّى تُقْطِعَ لإِخْوَانِنا مِنَ المُهاجِرِينَ مِثْلَ الذِى تُقْطِعُ لَنا ، قالَ : سَتَرَوْنَ بَعْدِى أُثْرَةً فاصْبِرُوا حتَّى تَلْقَوْنِى .

بابُ كِتابَةِ القَطائعِ .

وقالَ اللَّيْثُ ، عَنْ يَحْيَى بنِ سَعِيدٍ ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ : دَعَا النَّبِىُّ صلى اللهُ علية وسلَّم الأَنْصارَ لِيُقْطِعَ لَهُمْ بالبَحْرَيْنِ فَقالُوا : يا رَسُولَ اللهِ ، إنْ فَعَلْتَ فاكْتُبْ لإِخْوانِنا مِنْ قُرَيْشٍ بِمِثْلِها . فَلَمْ يَكُنْ ذَلكَ عِنْدَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم ، فَقالَ : سَتَرَوْنَ بَعْدِى أُثْرَةً فاصْبِرُوا حتَّى تَلْقَوْنِى .

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(1) This prophecy was a sign of Allāh's Apostle's ﷺ prophet-hood. It came true that the Quraish kings had the source of wealth and power in their hands. The Prophet ﷺ tells the Anṣār to be patient and wait for a great reward in the Hereafter as a compensation for the pleasures they would miss in this life.

(2) Perhaps the grants given to the Anṣār were land grants or money grants from the Jizya tax levied from that land.

The Prophet ﷺ could not assign similar grants to the emigrants, perhaps because there were not many conquests then. (Qasṭalānī, V. 4, P. 211).

CHAPTER. Milking she-camels at water places.

565. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "One of the rights (of the poor) is that the she camel should be milked at places of water."

CHAPTER. One may have the right to pass through a garden or to have a share in date-palms.

The Prophet ﷺ said, "If somebody sells date-palms after pollinating them, their fruits will be for him and he has the right to enter the garden and irrigate the date-palms till he reaps the fruits. The owner of ʿAriyyā has a similar right."

Narrated Sālim bin ʿAbdullāh from his father رضي الله عنه : Allāh's Apostle ﷺ said, "If somebody buys date-palms after they have been pollinated, the fruits will belong to the seller unless the buyer stipulates the contrary. If somebody buys a slave having some property, the property will belong to the seller unless the buyer stipulates that it should belong to him.

566. Narrated Zaid bin Thābit رضي الله عنه :

بابُ حَلَبِ الإِبِلِ عَلَى المَاءِ.

٥٦٥ - حدَّثَنا إبْرَاهِيمُ بنُ المُنْذِرِ: حدثَنا مُحَمَّدُ بنُ فُلَيْحٍ قالَ: حدَّثَنى أبى عَنْ هِلالِ بنِ عَلِىٍّ. عَنْ عَبْدِ الرَّحْمَنِ ابنِ أبى عَمْرَةَ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَ: مِنْ حَقِّ الإبِلِ أنْ تُحْلَبَ عَلَى المَاءِ.

بابُ الرَّجُلِ يَكُونُ لَهُ مَمَرٌّ أوْ شِرْبٌ فى حائِطٍ أوْ فى نَخْلٍ؟

قالَ النَّبِىُّ صَلَّى اللهُ عليهِ وسلَّم: مَنْ باعَ نَخْلاً بَعْدَ أنْ تُؤَبَّرَ فَثَمَرَتُهَا للبائِعِ، المَمَرُّ والسَّقْىُ حتَّى يُرْفَعَ وكَذَلِكَ رَبُّ العَرِيَّةِ. أخْبَرَنا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ: حدَّثَنى ابنُ شِهابٍ، عَنْ سالِمِ بنِ عَبْدِ اللهِ، عَنْ أبيهِ رَضِىَ اللهُ عَنْهُ قالَ: سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ: مَنِ ابْتاعَ نَخْلاً بَعْدَ أنْ تُؤَبَّرَ فَثَمَرَتُها للبائِعِ إلَّا أنْ يَشْتَرِطَ المُبْتاعُ، ومَنِ ابْتاعَ عَبْداً ولَهُ مالٌ فَمالُهُ للَّذِى باعَهُ إلَّا أنْ يَشْتَرِطَ المُبْتاعُ. وعَنْ مالِكٍ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ، عَنْ عُمَرَ فى العَبْدِ.

٥٦٦ - حدَّثَنا مُحَمَّدُ بنُ يُوسُفَ:

The Prophet ﷺ permitted selling the dates of the ʿArāyā for ready dates by estimating the amount of the former (as they are still on the trees).

حَدَّثَنَا سُفْيَانُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ رَضِيَ اللهُ عَنْهُمْ قَالَ: رَخَّصَ النَّبِيُّ صلى اللهُ عليه وسلَّم أنْ تُبَاعَ العَرَايَا بِخِرْصِهَا تَمْرًا.

567. Narrated Jābir bin ʿAbdullāh رضي الله عنهما: The Prophet ﷺ forbade the sales called Al-Mukhābara, Al-Muḥāqala and Al-Muzābana and the selling of fruits till they are free from blights. He forbade the selling of the fruits except for money, except the ʿArāyā.

٥٦٧ - حَدَّثَنَا عَبْدُ اللهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا: نَهَى النَّبِيُّ صلى اللهُ عليه وسلَّم عَنِ المُخَابَرَةِ والمُحَاقَلَةِ، و عَنِ المُزَابَنَةِ، و عَنْ بَيْعِ الثَّمَرِ حَتَّى يَبْدُوَ صَلاحُهَا. و أنْ لا تُبَاعَ إلاَّ بِالدِّينَارِ والدِّرْهَمِ إلاَّ العَرَايَا.

568. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ allowed the sale of the dates of the ʿArāyā for ready dates by estimating the former which should be estimated as less than five Awsuq or five Awsuq. (Dawūd, the sub-narrator is not sure as to the right amount.) (1)

٥٦٨ - حَدَّثَنَا يَحْيَى بْنُ قَزَعَةَ: حَدَّثَنَا مَالِكٌ، عَنْ دَاوُدَ بْنِ حُصَيْنٍ، عَنْ أبِي سُفْيَانَ مَوْلَى أبِي أحْمَدَ، عَنْ أبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: رَخَّصَ النَّبِيُّ صلى اللهُ عليه وسلَّم فى بَيْعِ العَرَايَا بِخِرْصِهَا مِنَ التَّمْرِ فِيمَا دُونَ خَمْسَةِ أوْسُقٍ أوْ فى خَمْسَةِ أوْسُقٍ، شَكَّ دَاوُدُ فى ذَلِكَ.

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(1) Since there is doubt about the limits of estimation, less than five Awsuq is regarded as the legal amount ; five Awsuq or more is regarded as illegal.

(Qasṭalānī, V. 4, P. 214).

569. Narrated Rafiʿ bin Khadīj and Sahl bin Abī Hathma ﵄ : Allāh's Apostle ﷺ forbade the sale of Muzābana, i.e. selling of fruits for fruits, except in the case of ʿArāyā ; he allowed the owners of ʿArāyā such kind of sale.

٥٦٩ - حَدَّثَنا زَكَرِياءُ بنُ يَحْيى: أَخْبَرَنا أَبُو أُسامَةَ قالَ: أَخْبَرَنى الوَلِيدُ ابن كَثِيرٍ قالَ: أَخْبَرَنى بُشَيْرُ بنُ يَسارٍ مَوْلى بَنِى حارِثَةَ: أَنَّ رَافِعَ بنَ خَدِيجٍ و سَهْلَ بنَ أَبى حَثْمَةَ حَدَّثاهُ: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم نَهَى عَنِ المُزَابَنَةِ، بَيْعِ الثَّمَرِ بالثَّمَرِ، إلاَّ أَصْحابَ العَرَايا فإِنَّهُ أَذِنَ لَهُمْ قالَ أَبُوعَبْدِ اللهِ: وقالَ ابنُ إسحاقَ: حَدَّثَنى بُشَيْرٌ مِثْلَهُ.

**In the name of Allāh,
the most Beneficent, the most Merciful**

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ

THE BOOK OF LOANS, PAYMENT OF LOANS, FREEZING OF PROPERTY, AND BANKRUPTCY :

كتاب في الاستقراض وأداء الديون والحجر والتفليس

CHAPTER. Whoever buys a thing on credit and does not have its price or has it, but not at the place of the transaction.

بابٌ - مَنِ اشْتَرَى بِالدَّيْنِ وَلَيْسَ عِنْدَهُ ثَمَنُهُ أَوْ لَيْسَ بِحَضْرَتِهِ .

570. Narrated Jābir bin ʿAbdullāh رضي الله عنهما : While I was in the company of the Prophet ﷺ in one of his Ghazawāt, he asked, "What is wrong with your camel? Will you sell it ?" I replied in the affirmative and sold it to him. When he reached Medina, I took the camel to him in the morning and he paid me its price.

٥٧٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ هُوَ الْبِيكَنْدِيُّ : أَخْبَرَنَا جَرِيرٌ ، عَنِ الْمُغِيرَةِ ، عَنِ الشَّعْبِيِّ ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا قَالَ : غَزَوْتُ مَعَ النَّبِيِّ صلى اللهُ عليه وسلّم فَقَالَ : كَيْفَ تَرَى بَعِيرَكَ ؟ أَتَبِيعُهُ ؟ قُلْتُ : نَعَمْ ، فَبِعْتُهُ إِيَّاهُ فَلَمَّا قَدِمَ الْمَدِينَةَ غَدَوْتُ إِلَيْهِ بِالْبَعِيرِ فَأَعْطَانِي ثَمَنَهُ .

571. Narrated Al-ʿAmash : When we were with Ibrāhīm, we talked about mortgaging in deals of Salam. Ibrāhīm narrated from Aswad that ʿAisha رضي الله عنها had said, "The Prophet ﷺ bought some foodstuff on credit from a Jew and mortgaged an iron armour to him."

٥٧١ - حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ : حَدَّثَنَا عَبْدُ الْوَاحِدِ : حَدَّثَنَا الْأَعْمَشُ قَالَ : تَذَاكَرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنَ فِي السَّلَمِ فَقَالَ : حَدَّثَنِي الْأَسْوَدُ ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا : أَنَّ النَّبِيَّ صلى اللهُ عليه وسلّم اشْتَرَى طَعَامًا مِنْ يَهُودِيٍّ إِلَى أَجَلٍ وَرَهَنَهُ دِرْعًا مِنْ حَدِيدٍ .

CHAPTER. Whoever takes the money of the people intending to repay it or to spoil it.

بابُ مَنْ أخَذَ أمْوالَ النَّاسِ يُرِيدُ أدَاءَها أوْ إتْلافَها.

572. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "Whoever takes the money of the people with the intention of repaying it, Allāh will repay it on his behalf, and whoever takes it in order to spoil it, then Allāh will spoil him."

٥٧٢ - حدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ الأُوَيْسِيُّ: حدَّثَنا سُلَيْمانُ بنُ بِلالٍ، عَنْ ثَوْرِ بنِ زَيْدٍ، عَنْ أبي الغَيْثِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ: مَنْ أخَذَ أمْوالَ النَّاسِ يُرِيدُ أداءَهَا أدَّى اللهُ عَنْهُ، ومَنْ أخَذَ يُرِيدُ إتْلافَها أتْلَفَهُ اللهُ.

CHAPTER. Repayment of debts and the Statement of Allāh تعالى :—

'Allāh does command you
To render back the trusts of the people,
And when you judge
Between persons,
That you judge with justice,
Verily, how excellent
Is the teaching which He gives you, and indeed
Allāh is the Hearer,
The beholder (4-58)

بابُ أداءِ الدُّيُونِ وقَوْلِ اللهِ تَعالى - إنَّ اللهَ يَأمُرُكُمْ أنْ تُؤَدُّوا الأماناتِ إلى أهْلِها وإذا حَكَمْتُمْ بَيْنَ النَّاسِ أنْ تَحْكُمُوا بالعَدْلِ إنَّ اللهَ نِعِمَّا يَعِظُكُمْ بِهِ، إنَّ اللهَ كانَ سَمِيعًا بَصِيرًا.

573. Narrated Abū Dhar رضي الله عنه : Once, while I was in the company of the Prophet ﷺ, he saw the mountain of Uḥud and said, "I would not like to have this mountain turned into gold for me unless nothing of it, not even a single Dīnār remains of it with me more than three days

٥٧٣ - حدَّثَنا أحْمَدُ بنُ يُونُسَ: حدَّثَنا أبو شِهابٍ عَنِ الأعْمَشِ، عَنْ زَيْدِ بنِ وَهْبٍ، عَنْ أبي ذَرٍّ رَضِيَ اللهُ عَنْهُ قالَ: كُنْتُ مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم، فَلَمَّا أبْصَرَ، يَعْني أُحُدًا، قالَ:

(i.e. I will spend all of it in Allāh's Cause), except that Dīnār which I will keep for repaying debts." Then he said, "Those who are rich in this world would have little reward in the Hereafter except those who spend their money here and there (in Allāh's Cause), and they are few in number." Then he ordered me to stay at my place and went not far away. I heard a voice and intended to go to him but I remembered his order, "Stay at your place till I return." On his return I said, "O Allāh's Apostle! (What was) that noise which I heard?" He said, "Did you hear anything?" I said, "Yes." He said, "Gabrieal ﷷ came and said to me, 'Whoever amongst your followers dies, worshipping none along with Allāh, will enter Paradise.'" I said, "Even if he did such-and-such things (i.e. even if he stole or committed illegal sexual intercourse)" He said, "Yes."

574. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "If I had gold equal to the mountain of Uḥud, it would not please me that it should remain with me for more than three days, except an amount which I would keep for repaying debts."

ما أُحِبُّ أنَّهُ تَحَوَّلَ لِى ذَهَبًا يَمْكُثُ عِنْدِى مِنْهُ دِينَارٌ فَوْقَ ثَلاثٍ إلاَّ دِينارًا أُرْصِدُهُ لِدَيْنٍ ، ثُمَّ قالَ : إنَّ الأكْثَرِينَ هُمُ الأقَلُّونَ ، إلاَّ مَنْ قالَ بالمَالِ هَكَذَا وهَكَذَا ، وأشارَ أبُو شِهابٍ بَيْنَ يَدَيْهِ وعَنْ يَمِينِهِ وعَنْ شِمالِهِ ، وقَلِيلٌ ما هُمْ . وقالَ : مَكانَكَ وتَقَدَّمَ غَيرَ بَعِيدٍ فَسَمِعْتُ صَوْتًا فأرَدْتُ أنْ آتِيَهُ . ثُمَّ ذَكَرْتُ قَوْلَهُ مَكانَكَ حتَّى آتِيَكَ . فَلَمَّا جاءَ قُلْتُ : يا رَسُولَ اللهِ الَّذِى سَمِعْتُ أوْ قالَ الصَّوْتُ الَّذِى سَمِعْتُ ، قالَ : وهَلْ سَمِعْتَ ؟ قُلْتُ : نَعَمْ ، قالَ : أتانى جِبْرِيلُ عَلَيْهِ السَّلامُ فَقالَ : مَنْ ماتَ مِنْ أُمَّتِكَ لا يُشْرِكُ باللهِ شَيْئًا دَخَلَ الجَنَّةَ ، قُلْتُ : وإنْ فَعَلَ كَذا وكَذا ؟ قالَ : نَعَمْ .

٥٧٤ ـ حدَّثَنِى أحْمَدُ بنُ شَبِيبِ ابنِ سَعِيدٍ : حدَّثَنا أبى ، عَنْ يُونُسَ ، قالَ ابنُ شِهابٍ : حدَّثَنِى عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ بنِ عُتْبَةَ قالَ : قالَ أبُو هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ : قالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : لَوْ كانَ لى مِثْلُ أُحُدٍ ذَهَبًا ما يَسُرُّنِى أنْ لا يَمُرَّ عَلَىَّ ثَلاثٌ وعِنْدِى مِنْهُ شَىْءٌ إلاَّ شَىْءٌ أُرْصِدُهُ لِدَيْنٍ ، رَواهُ صالِحٌ وعُقَيْلٌ عَنِ الزُّهْرِىِّ .

CHAPTER. To buy camels on credit.

575. Narrated Abū Huraira ؓ : A man demanded his debts from Allāh's Apostle ﷺ in such a rude manner that the companions of the Prophet ﷺ intended to harm him, but the Prophet ﷺ said, "Leave him, for he (the creditor) has the right to demand it. Buy a camel and give it to him." They said, "The camel that is available is older than the camel he demands." The Prophet ﷺ said, "Buy it and give it to him, for the best among you are those who repay debts handsomely."

CHAPTER. Demanding debts handsomely.

576. Narrated Hudhaifa ؓ : I heard the Prophet ﷺ saying, "Once a man died and was asked, 'What did you use to say (or do) (in your life time)?' He replied, 'I was a business-man and used to give time to the rich to repay his debt and (used to) deduct part of the debt of the poor.' Thus he was forgiven (his sins.)"

Ibn Mas'ud said, "I heard the same (Hadith) from the Prophet ﷺ ."

CHAPTER. Can one give an older (camel) than that he owes?

بابُ اسْتِقْرَاضِ الإِبِلِ.

٥٧٥ ـ حدَّثَنا أبُو الوَلِيدِ: حدَّثنا شُعْبَةُ: أخبَرَنا سَلَمَةُ بنُ كُهَيْلٍ. قالَ سَمِعْتُ أبا سَلَمَةَ بِمِنًى يُحَدِّثُ عَنْ أبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَجُلاً تَقاضَى رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فأغْلَظَ لَهُ فَهَمَّ بِهِ أصْحابُهُ فقالَ: دَعُوهُ فإنَّ لِصاحِبِ الحَقِّ مَقالاً واشْتَرُوا لَهُ بَعِيرًا فأعْطُوهُ إيّاهُ، قالُوا: لا نَجِدُ إلاَّ أفْضَلَ مِنْ سِنِّهِ قالَ: اشْتَرُوهُ فأعْطُوهُ إيّاهُ فإنَّ خَيرَكُمْ أحْسَنُكُم قَضاءً.

بابُ حُسْنِ التقاضِي.

٥٧٦ـ حدَّثَنا مُسْلِمٌ: حدَّثنا شُعْبَةُ، عَنْ عَبْدِ المَلِكِ، عَنْ رِبْعِيٍّ، عَنْ حُذَيْفَةَ رَضِيَ اللهُ عَنْهُ قالَ: سَمِعْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم يَقُولُ: ماتَ رَجُلٌ فَقِيلَ لَهُ: ما كُنْتَ تَقُولُ؟ قال: كُنْتُ أُبايِعُ النّاسَ فأتَجَوَّزُ عَنِ المُوسِرِ، وأُخَفِّفُ عَنِ المُعْسِرِ، فَغُفِرَ لَهُ. قالَ أبُو مَسْعُودٍ: سَمِعْتُهُ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم.

بابٌ ـ هَلْ يُعْطَى أكْبَرَ مِنْ سِنِّهِ؟

577. Narrated Abū Huraira رضي الله عنه: A man came to the Prophet ﷺ and demanded a camel (the Prophet ﷺ owed him). Allah's Apostle ﷺ told his companions to give him (a camel). They said, "We do not find except an older camel (than what he demands).

(The Prophet ﷺ ordered them to give him that camel)

The man said, "You have paid me in full and may Allah also pay you in full." Allah's Apostle ﷺ said, "Give him, for the best amongst the people is he who repays his debts in the most handsome manner."

٥٧٧ - حَدَّثَنَا مُسَدَّدٌ، عَنْ يَحْيَى، عَنْ سُفْيَانَ: حَدَّثَنِي سَلَمَةُ بْنُ كُهَيْلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَجُلاً أَتَى النَّبِيَّ صلى اللهُ عليه وسلَّم يَتَقَاضَاهُ بَعِيرًا، قالَ: قالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: أَعْطُوهُ. فَقَالُوا: ما نَجِدُ إلاَّ سِنًّا أَفْضَلَ مِنْ سِنِّهِ، فَقَالَ الرَّجُلُ: أَوْفَيْتَنِي أَوْفَاكَ اللهُ، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: أَعْطُوهُ فَإِنَّ مِنْ خِيَارِ النَّاسِ أَحْسَنَهُمْ قَضَاءً.

CHAPTER. Repaying debts handsomely.

بابُ حُسْنِ القَضَاءِ.

578. Narrated Abu Huraira رضي الله عنه: The Prophet ﷺ owed a camel of a certain age to a man who came to demand it back. The Prophet ﷺ ordered his companions to give him. They looked for a camel of the same age but found nothing but a camel one year older. The Prophet ﷺ told them to give it to him. The man said, "You have paid me in full, and may Allah pay you in full." The Prophet ﷺ said, "The best amongst you is he who pays his debts in the most handsome manner."

٥٧٨ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا سُفْيَانُ، عَنْ سَلَمَةَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: كانَ لِرَجُلٍ عَلَى النَّبِيِّ صلى اللهُ عليه وسلَّم سِنٌّ مِنَ الإِبِلِ فَجَاءَهُ يَتَقَاضَاهُ فَقَالَ صلى اللهُ عليه وسلَّم: أَعْطُوهُ، فَطَلَبُوا سِنَّهُ فَلَمْ يَجِدُوا لَهُ إلاَّ سِنًّا فَوْقَهَا، فَقَالَ: أَعْطُوهُ، فَقَالَ: أَوْفَيْتَنِي أَوْفَى اللهُ بِكَ. قالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: إنَّ خِيَارَكُمْ أَحْسَنُكُمْ قَضَاءً.

579. Narrated Jābir bin ʿAbdullāh ؓ: I went to the Prophet ﷺ while he was in the Mosque. (Misʿar thinks, that Jābir went in the forenoon.) After the Prophet ﷺ told me to pray two Rakʿāt, he repayed me a debt he owed me and gave me an extra amount.

٥٧٩ - حَدَّثَنا خَلَّادٌ: حَدَّثَنا مِسْعَرٌ: حَدَّثَنا مُحارِبُ بنُ دِثارٍ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: أَتَيْتُ النَّبِيَّ صلى اللهُ عليه وسلَّم وهُوَ فى المَسْجِدِ، قالَ مِسْعَرٌ: أُراهُ قالَ ضُحًى، فقالَ: صَلِّ رَكْعَتَيْنِ وكانَ لى عَلَيْهِ دَيْنٌ فَقَضانى وزادَنى.

CHAPTER. If somebody repays less than what he owes, (and the creditor accepts it or if the creditor exempts the debtor from paying (there is no objection).

باب - إذا قَضَى دُونَ حَقِّهِ أو حَلَّلَهُ فَهُوَ جائِزٌ.

580. Narrated Jābir bin ʿAbdullāh ؓ: My father was martyred on the day (of the battle) of Uḥud, and he was in debt. His creditors demanded their rights persistently. I went to the Prophet ﷺ (and informed him about it). He told them to take the fruits of my garden and exempt my father from the debts but they refused to do so. So, the Prophet ﷺ did not give them my garden and told me that he would come to me the next morning. He came to us early in the morning and wandered among the date-palms and invoked Allāh to bless their fruits. I then plucked the dates and paid the cerditors, and some of the dates remained for us.

٥٨٠ - حَدَّثَنا عَبْدانُ: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا يُونُسُ، عَنِ الزُّهْرِىِّ قالَ: حَدَّثَنِى ابنُ كَعْبِ بنِ مالِكٍ أَنَّ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما: أَخْبَرَهُ أَنَّ أَباهُ قُتِلَ يَوْمَ أُحُدٍ شَهِيدًا وعَلَيْهِ دَيْنٌ فاشْتَدَّ الغُرَماءُ فى حُقُوقِهِمْ، فأَتَيْتُ النَّبِىَّ صلى اللهُ عليه وسلَّم فَسَأَلَهُمْ أَنْ يَقْبَلُوا تَمْرَ حائِطِى ويُحَلِّلُوا أَبِى فَأَبَوْا، فَلَمْ يُعْطِهِمِ النَّبِىُّ صلى اللهُ عليه وسلَّم حائِطِى وقالَ: سَنَغْدُو عَلَيْكَ، فَغَدا عَلَيْنا حِينَ أَصْبَحَ فَطافَ فى النَّخْلِ ودَعا فى ثَمَرِها بِالبَرَكَةِ فَجَدَدْتُها فَقَضَيْتُهُمْ وبَقِىَ لَنا مِنْ تَمْرِها.

CHAPTER. It is permissible for one to settle one's accounts by repaying for

باب - إذا قاصَّ أو جازَفَهُ فى الدَّيْنِ تَمْرًا بِتَمْرٍ أو غَيْرِهِ.

the dates one owes, dates or other things, and one can repay them without weighing or measuring them (if the creditor agrees).

581. Narrated Wahab bin Kaisān from Jābir bin ʿAbdullāh ﵄ : When Jābir's father died he owed a Jew thirty Awsuq (of dates). Jābir requested him to give him respite for repaying but he refused. Jābir requested Allāh's Apostle ﷺ to intercede with the Jew. Allāh's Apostle ﷺ went to the Jew and asked him to accept the fruits of his trees in place of the debt but the Jew refused. Allāh's Apostle ﷺ entered the garden of, the date-palms, wandering among the trees and said to Jābir, "Pluck (the fruits) and give him his due." So, he plucked the fruits for him after the departure of Allāh's Apostle ﷺ and gave his thirty Awsuq, and he had seventeen Awsuq extra for himself. Jābir went to Allāh's Apostle ﷺ to inform of what had happened, but found him praying the ʿAṣr prayer. After the prayer he told him about the extra fruits which remained. Allāh's Apostle ﷺ told him to inform (ʿUmar) Ibn Al-Khaṭṭāb about it. When Jābir went to ʿUmar and told him about it, ʿUmar said, "When Allāh's Apostle ﷺ walked in your garden, I was sure that Allāh would defenitely bless it."

CHAPTER. Whoever seeks refuge with Allāh from being in debt.

٥٨١ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ : حَدَّثَنَا أَنَسٌ ، عَنْ هِشَامٍ ، عَنْ وَهْبِ بْنِ كَيْسَانَ ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا أَنَّهُ أَخْبَرَهُ أَنَّ أَبَاهُ تُوُفِّيَ وَ تَرَكَ عَلَيْهِ ثَلَاثِينَ وَسْقًا لِرَجُلٍ مِنَ الْيَهُودِ ، فَاسْتَنْظَرَهُ جَابِرٌ فَأَبَى أَنْ يُنْظِرَهُ ، فَكَلَّمَ جَابِرٌ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم لِيَشْفَعَ لَهُ إِلَيْهِ فَجَاءَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم وَكَلَّمَ الْيَهُودِيَّ لِيَأْخُذَ ثَمَرَ نَخْلِهِ بِالَّذِي لَهُ فَأَبَى فَدَخَلَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم النَّخْلَ فَمَشَى فِيهَا ثُمَّ قَالَ لِجَابِرٍ : جُدَّ لَهُ فَأَوْفِ لَهُ الَّذِي لَهُ ، فَجَدَّهُ بَعْدَ مَا رَجَعَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَأَوْفَاهُ ثَلَاثِينَ وَسْقًا وَ فَضَلَتْ لَهُ سَبْعَةَ عَشَرَ وَسْقًا ، فَجَاءَ جَابِرٌ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم لِيُخْبِرَهُ بِالَّذِي كَانَ فَوَجَدَهُ يُصَلِّي الْعَصْرَ ، فَلَمَّا انْصَرَفَ أَخْبَرَهُ بِالْفَضْلِ فَقَالَ : أَخْبِرْ ذَلِكَ ابْنَ الْخَطَّابِ ، فَذَهَبَ جَابِرٌ إِلَى عُمَرَ فَأَخْبَرَهُ فَقَالَ لَهُ عُمَرُ : لَقَدْ عَلِمْتُ حِينَ مَشَى فِيهَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم لَيُبَارَكَنَّ فِيهَا .

بَابُ مَنِ اسْتَعَاذَ مِنَ الدَّيْنِ .

582. Narrated ʿAisha رضي الله عنها : Allāh's Apostle ﷺ used to invoke Allāh in the prayer saying, "O Allāh, I seek your refuge from all sins, and from getting into debts." Someone said, "How often you seek Allāh's refuge from being in debt, O Allāh's Apostle!" He replied, "If a person is in debt, he tells lies when he speaks, and breaks his promises when he promises."

CHAPTER. The funeral prayer for a dead person in debt.

583. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "If someone leaves some property, it will be for the inheritors, and if he leaves some weak offspring, it will be for us to support them."

584. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "I am closer to the faithful believers than their selves in this world and in the Hereafter, and if you like, you can read Allāh's Statement :—

> 'The Prophet is closer to the faithful believers than their selves.' (33:6)

٥٨٢ - حَدَّثَنا أَبُو الْيَمَانِ: أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِىِّ ح وحَدَّثَنا إِسْمَاعِيلُ قالَ: حَدَّثَنِى أَخِى، عَنْ سُلَيْمَانَ، عَنْ مُحَمَّدِ بنِ أبى عَتِيقٍ، عَنِ ابنِ شِهَابٍ، عَنْ عُرْوَةَ أَنَّ عائِشَةَ رَضِىَ اللهُ عَنْها أَخْبَرَتْهُ أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم كان يَدْعُو فى الصَّلاةِ وَيَقُولُ: اللَّهُمَّ إِنِّى أَعُوذُ بِكَ مِنَ المَأْثَمِ والمَغْرَمِ. فَقالَ قائِلٌ: ما أَكْثَرَ ما تَسْتَعِيذُ يا رَسُولَ اللهِ مِنَ المَغْرَمِ! قالَ: إِنَّ الرَّجُلَ إِذا غَرِمَ حَدَّثَ فَكَذَبَ وَوَعَدَ فَأَخْلَفَ.

بابُ الصَّلاةِ عَلَى مَنْ تَرَكَ دَيْنًا.

٥٨٣ - حَدَّثَنا أبو الوَلِيدِ: حَدَّثَنا شُعْبَةُ، عَن عَدِىِّ بْنِ ثابِتٍ، عَنْ أبى حازِمٍ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ، عَنِ النَّبِىِّ صلى اللهُ عليه وسلَّم قالَ: مَنْ تَرَكَ مالاً فَلِوَرَثَتِهِ، وَمَنْ تَرَكَ كَلاًّ فإِلَيْنا.

٥٨٤ - حَدَّثَنى عَبْدُ اللهِ بْنُ مُحَمَّدٍ: حَدَّثَنا أَبُو عامِرٍ: حَدَّثَنا فُلَيْحٌ، عَنْ هِلالِ بنِ عَلِىٍّ، عَنْ عَبْدِ الرَّحْمَنِ بنِ أَبى عَمْرَةَ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ: أَنَّ النَّبِىَّ صلى اللهُ عليه وسلَّم قالَ: ما مِنْ مُؤْمِنٍ إِلاَّ وأَنا أَوْلَى بِهِ فى الدُّنْيا والآخِرَةِ، اقْرَءُوا إِنْ شِئْتُمْ - النَّبِىُّ

So, if a true believer dies and leaves behind some property, it will be for his inheritors (from the father's side), and if he leaves behind some debt to be paid or needy offspring, then they should come to me as I am the guardian of the deceased."

CHAPTER. Procrastination in repaying debts by a wealthy person is injustice.

585. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, "Procrastination in repaying debts by a wealthy person is injustice."

CHAPTER. The owner of the right has the permission to demand his right. The Prophet ﷺ said, "The delay in the payment of debt by one who can afford to pay, justifies his defamation and torture by the lender." Defamation means that the lender tells him in public that he has delayed the payment. Torture means legal imprisonment.

586. Narrated Abū Huraira ؓ: A man came to the Prophet ﷺ and demanded his debts and used harsh words. The companions of the Prophet ﷺ wanted to harm him, but the Prophet ﷺ said, "Leave him, as the creditor

أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ - فَأَيُّمَا مُؤْمِنٍ مَاتَ وَتَرَكَ مَالاً فَلْيَرِثْهُ عَصَبَتُهُ مَنْ كَانُوا، وَمَنْ تَرَكَ دَيْنًا أَوْ ضَيَاعًا فَلْيَأْتِنِى فَأَنَا مَوْلَاهُ.

بَابٌ - مَطْلُ الْغَنِىِّ ظُلْمٌ.

٥٨٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الأَعْلَى، عَنْ مَعْمَرٍ، عَنْ هَمَّامِ ابْنِ مُنَبِّهٍ أَخِى وَهْبِ بْنِ مُنَبِّهٍ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَطْلُ الْغَنِىِّ ظُلْمٌ.

بَابٌ - لِصَاحِبِ الْحَقِّ مَقَالٌ، وَيُذْكَرُ عَنِ النَّبِىِّ صلى اللهُ عليه وسلَّم: لَىُّ الْوَاجِدِ يُحِلُّ عِرْضَهُ وَعُقُوبَتَهُ. قَالَ سُفْيَانُ: عِرْضُهُ يَقُولُ: مَطَلْتَنِى، وَعُقُوبَتُهُ: الْحَبْسُ.

٥٨٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ شُعْبَةَ، عَنْ سَلَمَةَ، عَنْ أَبِى سَلَمَةَ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قَالَ: أَتَى النَّبِىَّ صلى اللهُ عليه وسلَّم رَجُلٌ يَتَقَاضَاهُ فَأَغْلَظَ لَهُ فَهَمَّ بِهِ

(owner of the right) has the right to speak."

أَصْحَابُهُ فَقَالَ: دَعُوهُ فَإِنَّ لِصَاحِبِ الحَقِّ مَقَالاً .

CHAPTER. If somebody lends something or sells it on credit or deposits it as a trust, and the new possessor gets bankrupt the former owner has more right than the other creditors to restore that thing if he finds it with the bankrupt. Al-Ḥasan said, "If somebody becomes bankrupt and he is judged to be so, he is not permitted to free his slave or sell or buy things."

Saʿīd bin Al-Musaiyab said, "ʿUthmān gave a verdict that if a creditor took something from the debtor before the later was declared bankrupt, it would belong to him (i. e. the other creditors would have no right to take it), and if the creditor recognised his things, he had more right to restore them (than any other creditor)."

بابٌ - إِذَا وَجَدَ مَالَهُ عِنْدَ مُفْلِسٍ فِى البَيْعِ وَالقَرْضِ وَالوَدِيعَةِ فَهُوَ أَحَقُّ بِهِ ، وَقَالَ الحَسَنُ : إِذَا أَفْلَسَ وَتَبَيَّنَ لَمْ يَجُزْ عِتْقُهُ وَلَا بَيْعُهُ وَلَا شِرَاؤُهُ . وَقَالَ سَعِيدُ بْنُ المُسَيَّبِ : قَضَى عُثْمَانُ مَنِ اقْتَضَى مِنْ حَقِّهِ قَبْلَ أَنْ يُفْلِسَ فَهُوَ لَهُ ، وَمَنْ عَرَفَ مَتَاعَهُ بِعَيْنِهِ فَهُوَ أَحَقُّ بِهِ .

587. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "If a man finds his very things with a bankrupt, he has more right to take them back than anyone else."

٥٨٧ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ : حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ : أَخْبَرَنِى أَبُو بَكْرِ بْنُ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ : أَنَّ عُمَرَ بْنَ عَبْدِ العَزِيزِ أَخْبَرَهُ أَنَّ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ بْنِ الحَارِثِ ابْنِ هِشَامٍ أَخْبَرَهُ : أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ يَقُولُ : قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أَوْ قَالَ سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ : مَنْ أَدْرَكَ مَالَهُ بِعَيْنِهِ عِنْدَ رَجُلٍ أَوْ

إِنْسانٍ قَدْ أَفْلَسَ فَهُوَ أَحَقُّ بِهِ مِنْ غَيْرِهِ.

CHAPTER. Whoever delayed the repayment of debts for one or so days and did not regard it as procrastination.

Jābir said, "When the creditors of my father demanded their rights persistently, the Prophet ﷺ requested them to take the fruits of my garden instead of the debt, but they refused. So, the Prophet ﷺ neither gave them the fruits nor had the fruits plucked for them, but said, 'I will come to you tomorrow.' He came to us early in the morning and invoked Allāh to bless the garden's fruits, and so I paid the creditors their rights."

بابُ مَنْ أَخَّرَ الغَرِيمَ إِلَى الغَدِ أَو نَحْوِهِ ولَمْ يَرَ ذَلِكَ مَطْلًا. وقالَ جابِرٌ: اشْتَدَّ الغُرَماءُ فِي حُقُوقِهِمْ فِي دَيْنِ أَبِي فَسَأَلَهُمُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم أَنْ يَقْبَلُوا ثَمَرَ حائطِي فَأَبَوْا فَلَمْ يُعْطِهِمِ الحائطَ ولَمْ يَكْسِرْهُ لَهُمْ، قالَ: سأَغْدُو عَلَيْكُمْ غَدًا، فَغَدَا عَلَيْنا حِينَ أَصْبَحَ فَدَعا فِي ثَمَرِها بِالبَرَكَةِ فَقَضَيْتُهُمْ.

CHAPTER. Whoever sold the property of a bankrupt or a poor man and divided the money amongst the creditors or gave it (piecemeal) to the man to spend it on his affairs.

بابُ مَنْ باعَ مالَ المُفْلِسِ أَوِ المُعْدِمِ فَقَسَمَهُ بَيْنَ الغُرَماءِ أَوْ أَعْطاهُ حَتَّى يُنْفِقَ عَلَى نَفْسِهِ.

588. Narrated Jābir bin ʿAbdullāh رضي الله عنهما : A man pledged that his slave would be manumitted after his death. The Prophet ﷺ asked, "Who will buy the slave from me?" (1) No im bin ʿAbdullāh bought the slave and the Prophet ﷺ took its price and gave it to the owner.

٥٨٨ - حَدَّثَنا مُسَدَّدٌ: حَدَّثَنا يَزِيدُ بنُ زُرَيْعٍ: حَدَّثَنا حُسَيْنٌ المُعَلِّمُ: حَدَّثَنا عَطاءُ بنُ أَبِي رَباحٍ عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما قالَ: أَعْتَقَ رَجُلٌ غُلامًا لَهُ عَنْ دُبُرٍ، فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: مَنْ يَشْتَرِيهِ مِنِّي ؟

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(1) The man became in need or in debt, so the Prophet ﷺ sold the slave for him although he had promised that he would be manumitted after his death.

CHAPTER. It is permissible to lend money for a fixed time or sell on credit for a fixed time.

Ibn ʿUmar said concerning loans for a fixed time, " There is no objection to it, even if the debtor gives more than he owes if the creditor has not stipulated it."

ʿAṭāʾ and ʿAmr bin Dīnār said, " The lender has no right to demand his money before the due time of payment."

Narrated Abū Huraira ؓ : Allāh's Apostle ﷺ mentioned an Israeli man who asked another Israeli to lend him money, and the latter gave it to him for a fixed period. (Abū Huraira mentioned the rest of the narration.) (see chapter ; Kafāla in loans and debts.........)

CHAPTER. Intercession for the deduction of debts.

589. Narrated Jābir ؓ : When ʿAbdullāh (my father) died, he left behind children and debts. I asked the lenders to put down some of his debt, but they refused, so I went to the Prophet ﷺ to intercede with them, yet they refused. The Prophet ﷺ said (to me), " Classify your dates into their different kinds : ʿAdhq bin Zaid, Laiyin and ʿAjwa, each kind alone and call all the creditors and wait till I come to you." I did so and the Prophet ﷺ came and sat be-

فَاشْتَرَاهُ نُعَيْمُ بْنُ عَبْدِ اللهِ فَأَخَذَ ثَمَنَهُ فَدَفَعَهُ إِلَيْهِ .

بَابٌ - إِذَا أَقْرَضَهُ إِلَى أَجَلٍ مُسَمًّى أَوْ أَجَّلَهُ فِى الْبَيْعِ . وَقَالَ ابْنُ عُمَرَ فِى الْقَرْضِ إِلَى أَجَلٍ : لَا بَأْسَ بِهِ ، وَإِنْ أُعْطِىَ أَفْضَلَ مِنْ دَرَاهِمِهِ مَالَمْ يَشْتَرِطْ . وَقَالَ عَطَاءٌ وَعَمْرُو بْنُ دِينَارٍ : هُوَ إِلَى أَجَلِهِ فِى الْقَرْضِ . وَقَالَ اللَّيْثُ : حَدَّثَنِى جَعْفَرُ ابْنُ رَبِيعَةَ ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ هُرْمُزَ ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ ، عَنْ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم أَنَّهُ ذَكَرَ رَجُلًا مِنْ بَنِى إِسْرَائِيلَ سَأَلَ بَعْضَ بَنِى إِسْرَائِيلَ أَنْ يُسْلِفَهُ فَدَفَعَهَا إِلَيْهِ إِلَى أَجَلٍ مُسَمًّى ، فَذَكَرَ الْحَدِيثَ .

بَابُ الشَّفَاعَةِ فِى وَضْعِ الدَّيْنِ .

٥٨٩ - حَدَّثَنَا مُوسَى : حَدَّثَنَا أَبُو عَوَانَةَ ، عَنْ مُغِيرَةَ ، عَنْ عَامِرٍ ، عَنْ جَابِرٍ رَضِىَ اللهُ عَنْهُ قَالَ : أُصِيبَ عَبْدُ اللهِ وَتَرَكَ عِيَالًا وَدَيْنًا ، فَطَلَبْتُ إِلَى أَصْحَابِ الدَّيْنِ أَنْ يَضَعُوا بَعْضًا مِنْ دَيْنِهِ فَأَبَوْا ، فَأَتَيْتُ النَّبِىَّ صلى اللهُ عليه وسلَّم فَاسْتَشْفَعْتُ بِهِ عَلَيْهِمْ فَأَبَوْا ، فَقَالَ : صَنِّفْ تَمْرَكَ كُلَّ شَىْءٍ مِنْهُ عَلَى حِدَتِهِ ، عِذْقَ ابْنِ زَيْدٍ عَلَى حِدَةٍ ،

side the dates and started measuring to each his due till he paid them fully, and the dates remained as before as if he had not touched them.

(On another occasion) I took part in one of Ghazawāt along with the Prophet ﷺ and I was riding one of our camels. The camel got tired and was lagging behind the others. The Prophet ﷺ hit it on its back. He said, "Sell it to me, and you have the right to ride it till Medīna." When we approached Medīna, I took the permission from the Prophet ﷺ to go to my house, saying, "O Allāh's Apostle! I have newly married." The Prophet ﷺ asked, "Have you married a virgin or a matron (a widow or divorcee)?" I said, "I have married a matron, as ʿAbdullāh (my father) died and left behind little daughters, so I married a matron who may teach them and bring them up with good manners." The Prophet ﷺ then said (to me), "Go to your family." When I went there and told my maternal uncle about the selling of the camel, he admonished me for it. On that I told him about its slowness and exhaustion and about what the Prophet ﷺ had done to the camel and his hitting it. When the Prophet ﷺ arrived, I went to him with the camel in the morning and he gave me its price, the camel itself, and my share from the war booty as he gave the other people.

واللِّينَ عَلى حِدَةٍ ، والعَجْوَةَ عَلى حِدَةٍ ثُمَّ أحْضِرْهُمْ حَتَّى آتِيَكَ ، فَفَعَلْتُ . ثُمَّ جاءَ عليهِ السَّلامُ فَقَعَدَ عَلَيْهِ وكالَ لِكُلِّ رَجُلٍ حَتَّى اسْتَوْفَى وبَقِيَ التَّمْرُ كما هُوَ كأنَّهُ لَمْ يُمَسَّ . وغَزَوْتُ مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم عَلى ناضِحٍ لَنا فأزْحَفَ الجَمَلُ فَتَخَلَّفَ عَلَيَّ فَوَكَزَهُ النَّبِىُّ صلى اللهُ عليهِ وسلَّم من خَلْفِهِ ، قالَ بِعْنِيهِ ولَكَ ظَهْرُهُ إلى المَدِينَةِ ، فَلَمَّا دَنَوْنا اسْتَأْذَنْتُ فَقُلْتُ : يا رَسُولَ اللهِ ، إنِّى حَدِيثُ عَهْدٍ بِعُرْسٍ . قالَ صلى اللهُ عليهِ وسلَّم : فَما تَزَوَّجْتَ ؟ بِكْرًا أوْ ثَيِّبًا ؟ . قُلْتُ : ثَيِّبًا ، أُصِيبَ عَبْدُ اللهِ وتَرَكَ جَوارِيَ صِغارًا ، فَتَزَوَّجْتُ ثَيِّبًا تُعَلِّمُهُنَّ وتُؤَدِّبُهُنَّ ، ثُمَّ قالَ : ائْتِ أهْلَكَ ، فَقَدِمْتُ فأخْبَرْتُ خالى بِبَيْعِ الجَمَلِ فَلامَنى . فأخْبَرْتُهُ بإعْياءِ الجَمَلِ ، وبالَّذِى كانَ مِنَ النَّبِىِّ صلى الله عليهِ وسلَّم ووَكْزِهِ إيَّاهُ ، فَلَمَّا قَدِمَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم غَدَوْتُ إلَيْهِ بالجَمَلِ فأعْطانى ثَمَنَ الجَمَلِ والجَمَلَ وسَهْمِى مَعَ القَوْمِ .

CHAPTER. What is forbidden as regards wasting money, and the Statement of Allāh ﷻ :—

'Allāh does not like corruption and does not make the deeds of mischievous people fruitful.' (10 : 81)

And the Statement of Allāh ﷻ :—

'Does your prayer order that we should leave those whom our forefathers used to worship or leave off doing what we wish with our property?' (11 : 87)

Allāh ﷻ also said :—

'And do not give to the fools your money.' (4 : 5)

Sequestration of wealth and the prohibition of deception.

بَابُ مَا يُنْهَى عَنْ إِضَاعَةِ الْمَالِ وَقَوْلِ اللهِ تَبَارَكَ وَتَعَالَى - وَاللهُ لَا يُحِبُّ الْفَسَادَ وَلَا يُصْلِحُ عَمَلَ الْمُفْسِدِينَ - وَقَالَ فِي قَوْلِهِ تَعَالَى - أَصَلَوَتُكَ تَأْمُرُكَ أَنْ نَتْرُكَ مَا يَعْبُدُ آبَاؤُنَا أَوْ أَنْ نَفْعَلَ فِي أَمْوَالِنَا مَا نَشَاءُ - وَقَالَ تَعَالَى - وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمْ - وَالْحَجْرِ فِي ذَلِكَ وَمَا يُنْهَى عَنِ الْخِدَاعِ.

590. Narrated Ibn 'Umar رضي الله عنهما : A man came to the Prophet ﷺ and said, "I am often betrayed in bargaining." The Prophet ﷺ advised him, "When you buy something, say (to the seller), 'No deception.'" The man used to say so afterwards.

٥٩٠ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ: سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ: قَالَ رَجُلٌ لِلنَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: إِنِّي أُخْدَعُ فِي الْبُيُوعِ، فَقَالَ: إِذَا بَايَعْتَ فَقُلْ لَا خِلَابَةَ، فَكَانَ الرَّجُلُ يَقُولُهُ.

591. Narrated Al-Mughira bin Shu'ba رضي الله عنه : The Prophet ﷺ said, "Allāh has made illegal to you the ill-treatment of your mothers, and the burial of your daughters alive. He forbids the non-payment of the rights of the others e. g. charity and

٥٩١ - حَدَّثَنِي عُثْمَانُ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ. عَنِ الشَّعْبِيِّ، عَنْ وَرَّادٍ مَوْلَى الْمُغِيرَةِ بْنِ شُعْبَةَ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ قَالَ: قَالَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: إِنَّ اللهَ حَرَّمَ عَلَيْكُمْ

asking people (begging) and disliked that you talk nonsense, or ask too many questions, (disputed religious matters) or waste money."

CHAPTER. A slave is a guardian of the property of his master and he should not use it except with the master's permission.

592. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : I heard Allāh's Apostle ﷺ saying, "Everyone of you is a guardian, and responsible for what is in his custody. The ruler is a guardian of his subjects and responsible for them; a husband is a guardian of his family and is responsible for it; a lady is a guardian of her husband's house and is responsible for it, and a servant is a guardian of his master's property and is responsible for it." I heard that from Allāh's Apostle ﷺ and I think that the Prophet ﷺ said, "A man is a guardian of his fathers's property and is responsible for it, so all of you are guardians and responsible for what is in your custody."

عُقُوقَ الأُمَّهَاتِ، وَوَأْدَ البَنَاتِ، وَمَنَعَ وَهَاتِ. وَكَرِهَ لَكُمْ قِيلَ وَقَالَ، وَكَثْرَةَ السُّؤَالِ، وَإِضَاعَةَ المَالِ.

بابٌ - العَبْدُ رَاعٍ فى مَالِ سَيِّدِهِ وَلا يَعْمَلُ إِلاَّ بِإِذْنِهِ.

٥٩٢ - حَدَّثَنَا أَبُو اليَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِىِّ قَالَ: أَخْبَرَنِى سَالِمُ ابْنُ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِىَ اللهُ عَنْهُمَا: أَنَّهُ سَمِعَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ: كُلُّكُمْ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ، فَالإِمَامُ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالرَّجُلُ فى أَهْلِهِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالمَرْأَةُ فى بَيْتِ زَوْجِهَا رَاعِيَةٌ وَهِىَ مَسْئُولَةٌ عَنْ رَعِيَّتِهَا، وَالخَادِمُ فى مَالِ سَيِّدِهِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ. قَالَ: فَسَمِعْتُ هَؤُلاءِ مِنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم وأَحْسِبُ النَّبِىَّ صلى اللهُ عليهِ وسلَّم قَالَ: وَالرَّجُلُ فى مَالِ أَبِيهِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ.

In the Name of Allāh,
the most Beneficent, the most Merciful.

بسم الله الرحمن الرحيم

What is mentioned about bringing the debtor or some other person from one place to another and the quarrels between the Jews and the Muslims.

مايذكر فى الاشخاص والخصومة بين المسلم واليهود

593. Narrated ʿAbdullāh رضي الله عنه : I heard a man reciting a verse (of the Holy Qurʾān) but I had heard the Prophet ﷺ reciting it differently. So, I caught hold of the man by the hand and took him to Allāh's Apostle ﷺ who said, "Both of you are right." Shuʿba, the sub-narrator said, "I think he said to them, "Don't differ, for the nations before you differed and perished (because of their differences)."

٥٩٣ ـ حَدَّثَنَا أَبُو الوَلِيدِ: حَدَّثَنَا شُعْبَةُ، قالَ: عَبْدُ المَلِكِ بنُ مَيْسَرَةَ أخْبَرَنى، قالَ: سَمِعْتُ النزَّالَ بنَ سَبْرَةَ: سَمِعْتُ عَبْدَ اللهِ يَقُولُ: سَمِعْتُ رَجُلاً قَرَأَ آيَةً، سَمِعْتُ مِنَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم خِلافَهَا فأخَذْتُ بِيَدِهِ فأتَيْتُ بِهِ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فقالَ: كِلاكما مُحْسِنٌ، قالَ شُعْبَةُ: أظُنُّهُ قالَ: لا تَخْتَلِفُوا فإنَّ مَنْ كانَ قَبْلَكُمْ اخْتَلَفُوا فَهَلَكُوا.

594. Narrated Abū Huraira رضي الله عنه : Two persons, a Muslim and a Jew, quarrelled. The Muslim said, "By Him Who gave Muhammad ﷺ superiority over all the people!" The Jew said, "By Him Who gave Moses عليه السلام superiority over all the people!" At that the Muslim raised his hand and slapped the Jew on the face.

٥٩٤ ـ حَدَّثَنَا يَحْيَى بنُ قَزَعَةَ: حَدَّثَنا إبْرَاهِيمُ بنُ سَعْدٍ، عَنِ ابنِ شِهابٍ: عَنْ أبى سَلَمَةَ وعَبْدِ الرَّحْمَنِ الأعْرَجِ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قالَ: اسْتَبَّ رَجُلانِ، رَجُلٌ مِنَ المُسْلِمِينَ ورَجُلٌ مِنَ اليَهُودِ، فقالَ المُسْلِمُ: والَّذِى اصْطَفَى مُحَمَّداً عَلَى العالَمِينَ.

The Jew went to the Prophet ﷺ and informed him of what had happened between him and the Muslim. The Prophet ﷺ sent for the Muslim and asked him about it. The Muslim informed him of the event. The Prophet ﷺ said, "Do not give me superiority over Moses, for on the Day of Resurrection all the people will fall unconscious and I will be one of them, but I will be the first to gain consciousness, and will see Moses standing and holding the Throne (of Allāh). I will not know whether (Moses) has also fallen unconscious and got up before me, or Allāh has exempted him from that stroke."

فَقَالَ الْيَهُودِيُّ: وَالَّذِي اصْطَفَى مُوسَى عَلَى الْعَالَمِينَ، فَرَفَعَ الْمُسْلِمُ يَدَهُ عِنْدَ ذَلِكَ فَلَطَمَ وَجْهَ الْيَهُودِيِّ. فَذَهَبَ الْيَهُودِيُّ إِلَى النَّبِيِّ صلى اللهُ عليه وسلَّم فَأَخْبَرَهُ بِمَا كَانَ مِنْ أَمْرِهِ وَأَمْرِ الْمُسْلِمِ، فَدَعَا النَّبِيُّ صلى اللهُ عليه وسلَّم الْمُسْلِمَ فَسَأَلَهُ عَنْ ذَلِكَ فَأَخْبَرَهُ. فَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: لَا تُخَيِّرُونِي عَلَى مُوسَى، فَإِنَّ النَّاسَ يَصْعَقُونَ يَوْمَ الْقِيَامَةِ فَأَصْعَقُ مَعَهُمْ فَأَكُونُ أَوَّلَ مَنْ يُفِيقُ فَإِذَا مُوسَى بَاطِشٌ جَانِبَ الْعَرْشِ فَلَا أَدْرِي أَكَانَ فِيمَنْ صَعِقَ فَأَفَاقَ قَبْلِي، أَوْ كَانَ مِمَّنِ اسْتَثْنَى اللهُ.

595. Narrated Abū Saʿid Al-Khudrī رضي الله عنه : While Allāh's Apostle ﷺ was sitting, a Jew came and said, "O Abūl Qāsim! One of your companions has slapped me on the face." The Prophet ﷺ asked who that was. He replied that he was one of the Anṣār. The Prophet ﷺ sent for him, and on his arrival, he asked him whether he had beaten the Jew. He (replied in the affirmative and) said, "I heard him taking an oath in the market saying, 'By Him Who gave Moses superiority over all the human beings.' I said, 'O wicked man! (Has Allāh given Moses superiority) even over Muhammad ﷺ

٥٩٥ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا عَمْرُو بْنُ يَحْيَى، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللهُ عَنْهُ قَالَ: بَيْنَا رَسُولُ اللهِ صلى اللهُ عليه وسلَّم جَالِسٌ جَاءَ يَهُودِيٌّ فَقَالَ: يَا أَبَا الْقَاسِمِ، ضَرَبَ وَجْهِي رَجُلٌ مِنْ أَصْحَابِكَ. فَقَالَ: مَنْ؟ قَالَ رَجُلٌ مِنَ الْأَنْصَارِ. قَالَ: ادْعُوهُ، فَقَالَ: أَضَرَبْتَهُ؟ قَالَ: سَمِعْتُهُ بِالسُّوقِ يَحْلِفُ وَالَّذِي اصْطَفَى مُوسَى عَلَى الْبَشَرِ؛ قُلْتُ: أَيْ خَبِيثُ، عَلَى مُحَمَّدٍ صلى اللهُ عليه وسلَّم؟ فَأَخَذَتْنِي غَضْبَةٌ ضَرَبْتُ

I bacame furious and slapped him over his face." The Prophet ﷺ said, "Do not give a prophet superiority over another, for on the Day of Resurrection all the people will fall unconscious and I will be the first to emerge from the earth, and will see Moses standing and holding one of the pillars of the Throne. I will not know whether Moses has fallen unconscious or the first unconsciousness was sufficient for him."(1)

وَجْهَهُ. فَقَالَ النَّبِيُّ صلى الله عليه وسلَّم : لا تُخَيِّرُوا بَيْنَ الأَنْبِيَاءِ فإِنَّ النَّاسَ يَصْعَقُونَ يَوْمَ القِيَامَةِ فأَكُونُ أَوَّلَ مَنْ تَنْشَقُّ عَنْهُ الأَرْضُ فإِذَا أَنا بِمُوسَى آخِذٌ بِقائِمَةٍ مِنْ قَوَائِمِ العَرْشِ، فَلا أَدْرِي أَكانَ فِيمَنْ صَعِقَ، أَمْ حُوسِبَ بِصَعْقَةِ الأُولَى .

596. Narrated Anas ﵁ : A Jew crushed the head of a girl between two stones. The girl was asked who had crushed her head, and some names were mentioned before her, and when the name of the Jew was mentioned, she nodded agreeing. The Jew was captured and when he confessed, the Prophet ﷺ ordered that his head be crushed between two stones.

٥٩٦ - حَدَّثَنا مُوسَى : حَدَّثَنا هَمَّامٌ، عَنْ قَتادَةَ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ : أَنَّ يَهُودِيًّا رَضَّ رَأْسَ جارِيَةٍ بَيْنَ حَجَرَيْنِ، قِيلَ: مَنْ فَعَلَ هذا بِكِ ؟ أَفُلانٌ أَفُلانٌ ؟ حَتَّى سُمِّيَ اليَهُودِيُّ فأَوْمَأَتْ بِرَأْسِها ، فأُخِذَ اليَهُودِيُّ فاعْتَرَفَ فأَمَرَ بِهِ النَّبِيُّ صلى الله عليه وسلَّم فَرُضَّ رَأْسُهُ بَيْنَ حَجَرَيْنِ .

CHAPTER. Whoever cancelled the deals done by a weak-minded or an extravagant person even if the ruler had not assumed control over his wealth.

Jābir ﵁ narrated that the Prophet ﷺ rejected the gift of charity (given by a poor man) before he prohibited him (from giving in charity).

بابُ مَنْ رَدَّ أَمْرَ السَّفِيهِ والضَّعِيفِ العَقْلِ، وإِنْ لَمْ يَكُنْ حَجَرَ عَلَيْهِ الإِمامُ .

ويُذْكَرُ عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ أَنَّ النَّبِيَّ صلى الله عليه وسلَّم رَدَّ عَلَى المُتَصَدِّقِ قَبْلَ النَّهْيِ ثُمَّ نَهاهُ . وقالَ مالِكٌ: إِذا كانَ لِرَجُلٍ عَلَى رَجُلٍ مالٌ ولَهُ عَبْدٌ لا شَيْءَ لَهُ غَيْرُهُ فأَعْتَقَهُ

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(1) This is an allusion to the event where Moses fell unconscious on wishing to see Allāh when he was beside the Tur mountain.

Mālik said, "If a person is in debt and he was nothing except a slave, it is not permissible for him to manumit the slave."

If somebody sells a thing for a weak-minded person and pays him the price, and advises him to utilize it in a proper way and not to spoil it, and he spoils it, he can stop him from doing so, for the Prophet ﷺ had forbidden the wasting of the property. The Prophet ﷺ ordered the person who said that he had always been cheated in buying, to say, at the time of the deal, "No cheating!" The Prophet ﷺ did not take his money (of the person who sold his slave, because he had not proved foolish).

لمْ يَجزْ عِتقُهُ. ومَنْ باعَ علَى الضَّعيفِ ونَحْوِهِ فدَفعَ ثَمَنَهُ إليْهِ وأمرَهُ بالإصْلاحِ والقِيامِ بِشأنِهِ فإنْ أفْسَدَ بَعْدُ مَنَعَهُ لأنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم نَهَى عَنْ إضاعَةِ المَالِ، وقالَ للَّذى يُخْدَعُ فى البَيْعِ: إذَا بايَعْتَ فَقُلْ لا خِلابَةَ ولمْ يأخُذِ النَّبِيُّ صلى اللهُ عليهِ وسلَّم مالَهُ.

597. Narrated Ibn'Umar ؓ : A man was often cheated in buying. The Prophet ﷺ said to him, "When you buy something, say (to the seller), 'No cheating.'" The man used to say so thenceforward.

٥٩٧ ـ حدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَني عَبْدُ العَزِيزِ بنُ مُسْلِمٍ: حدَّثَنا عَبْدُ اللهِ بنُ دِينارٍ قالَ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: كانَ رَجُلٌ يُخْدَعُ فى البَيْعِ فقالَ لَهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: إذَا بايَعْتَ فَقُلْ لا خِلابَةَ، فكانَ يَقُولُهُ.

598. Narrated Jābir ؓ : A man manumitted a slave and he had no other property than that, so the Prophet ﷺ cancelled the manumission (and sold the slave for him). No'aim bin Al-Nahhām bought the slave from him.

٥٩٨ ـ حدَّثَنا عاصِمُ بنُ علِيّ: حدَّثَنا ابنُ أبى ذِئْبٍ، عَنْ مُحَمَّدِ بنِ المُنْكَدِرِ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ: أنَّ رَجُلاً أعْتَقَ عَبْدًا لَهُ لَيْسَ لَهُ

CHAPTER. The talk of opponents against each orther.

599. Narrated ʿAbdullāh bin Masʿūd ؓ : Allāh's Apostle ﷺ said, "Whoever takes a false oath so as to take the property of a Muslim (illegally) will find Allah angry with him."

Al-Ashʿath said: By Allāh, that saying concerned me. I had common land with a Jew, and the Jew later on denied my ownership, so I took him to the Prophet ﷺ who asked me whether I had a proof of my ownership. When I replied in the negative, the Prophet ﷺ asked the Jew to take an oath. I said, "O Allāh's Apostle! He will take an oath and deprive me of my property." So, Allāh ﷻ revealed the following verse:

'All those who earn a little gain by selling their convention with Allah and their oaths.' (3 : 73)

600. Narrated ʿAbdullāh bin Kaʿb bin Mālik: Kaʿb ؓ demanded his due debt back from Ibn Abī Ḥadrad in the Mosque and their voices rose high till Allāh's Apostle ﷺ heard them while he was in his house. He got out raising the curtain of his room and addressed Kaʿb,

مالٌ غيرُهُ فَرَدَّهُ النَّبِىُّ صلى اللهُ عليه وسلَّم فابْتَاعَهُ مِنْهُ نُعَيمُ بنُ النَّحَّامِ .

بابُ كَلامِ الخصُومِ بَعْضِهِمْ فى بَعْضٍ .

٥٩٩ - حدَّثَنا مُحَمَّدٌ : أخبرَنا أبو مُعاوِيَةَ ، عَنِ الأعمَشِ ، عَنْ شَقِيقٍ ، عَنْ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُ قالَ : قالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : مَنْ حَلَفَ عَلَى يَمِينٍ و هُوَ فيها فاجِرٌ لِيَقْتَطِعَ بها مالَ امْرِئٍ مُسْلِمٍ لَقِىَ اللهَ و هُوَ عَلَيْهِ غَضْبانُ . قالَ : فَقالَ الأشْعَثُ : فِىَّ واللهِ كانَ ذَلِكَ ، كانَ بَيْنِى و بَيْنَ رَجُلٍ مِنَ اليَهُودِ أرْضٌ فَجَحَدَنى فَقَدَّمْتُهُ إلى النَّبِىِّ صلى اللهُ عليه وسلَّم فَقالَ لى رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : ألَكَ بَيِّنَةٌ ؟ قُلْتُ : لا ، قالَ فَقالَ لِليَهُودِىِّ : احْلِفْ ، قالَ : قُلْتُ : يا رَسُولَ اللهِ إذاً يَحْلِفَ و يَذْهَبَ بِمالى ، فأنزَلَ اللهُ تَعالى - إنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ و أيْمانِهِمْ ثَمَناً قَلِيلاً - إلى آخِرِ الآيَةِ .

٦٠٠ - حدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ : حدَّثَنا عُثْمانُ بنُ عُمَرَ : أخبرَنا يُونُسُ ، عَنِ الزُّهْرِىِّ ، عَنْ عَبْدِ اللهِ بنِ كَعْبِ ابنِ مالِكٍ ، عَنْ كَعْبٍ رَضِىَ اللهُ عَنْهُ : أنَّهُ تَقاضَى ابنَ أبى حَدْرَدٍ دَيْناً كانَ لَهُ عَلَيْهِ فى المَسْجِدِ فارْتَفَعَتْ أصْواتُهُما

"O Kāb!" Kaʿb repelied, "I am present, O Allāh's Apostle." (He said to him), "Reduce your debt," pointing with his hand meaning half the debt. Kaʿb said, "I will do, O Allāh's Apostle!" On that the Prophet ﷺ said to Ibn Abī Ḥadrad, "Get up and repay the debt."

حَتَّى سَمِعَهَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ وهُوَ فى بَيْتِهِ فَخَرَجَ إِلَيْهِمَا حَتَّى كَشَفَ سِجْفَ حُجْرَتِهِ فَنَادَى: يا كَعْبُ، قالَ: لَبَّيْكَ يا رَسُولَ اللهِ، قالَ: ضَعْ مِنْ دَيْنِكَ فأَوْمَأَ إِلَيْهِ أَى الشَّطْرَ، قالَ: لَقَدْ فَعَلْتُ يا رَسُولَ اللهِ، قالَ: قُمْ فاقْضِهِ.

601. Narrated ʿUmar bin Al-Khaṭṭāb ؓ: I heard Hisham bin Ḥakīm bin Ḥizām reciting Sūrat-al-Furqān in a way different to mine. Allāh's Apostle ﷺ himself had taught me this Sura. I was about to get angry with him and qurrel with him, but I waited till he finished, then I tied his garment round his neck and led him to Allāh's Apostle ﷺ and said, "I have heard him reciting Surat-al-Furqan in a way different to the way you taught it me." The Prophet ﷺ ordered me to release him and asked Hishām to recite it. When he recited it, Allāh's Apostle ﷺ said, "The Sura has been revealed as such." He then asked me to recite it. When I recited it, he said, "It has been revealed as such. The Qurʾān has been revealed to be read in seven ways, so recite it in the way that is easier for you."

٦٠١ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ بنِ الزُّبَيْرِ، عَنْ عَبْدِ الرَّحْمَنِ ابنِ عَبْدٍ القارِىِّ أَنَّهُ قالَ: سَمِعْتُ عُمَرَ ابنَ الخَطَّابِ رَضِىَ اللهُ عَنْهُ يَقُولُ: سَمِعْتُ هِشامَ بنَ حَكِيمِ بنِ حِزَامٍ يَقْرَأُ سُورَةَ الفُرْقانِ عَلَى غَيْرِ ما أَقْرَؤُها، وكانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ أَقْرَأَنِيها وكِدْتُ أَنْ أَعْجَلَ عَلَيْهِ ثُمَّ أَمْهَلْتُهُ حَتَّى انْصَرَفَ ثُمَّ لَبَّبْتُهُ بِرِدَائِهِ فَجِئْتُ بِهِ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ فَقُلْتُ: إِنِّى سَمِعْتُ هذا يَقْرَأُ عَلَى غَيْرِ ما أَقْرَأْتَنِيها، فَقالَ لى: أَرْسِلْهُ، ثُمَّ قالَ لَهُ: إِقْرَأْ فَقَرَأَ، قالَ: هكَذا أُنْزِلَتْ، ثُمَّ قالَ لى اقْرَأْ فَقَرَأْتُ فَقالَ: هكَذا أُنْزِلَتْ، إِنَّ القُرْآنَ أُنْزِلَ عَلَى سَبْعَةِ أَحْرُفٍ فَأَقْرَءُوا مِنْهُ ما تَيَسَّرَ.

CHAPTER. Turning out the sinners

بابُ إِخْراجِ أَهْلِ المَعاصِى

and the quarrelsome people of the houses after the impropriety of their behaviour gets evident. ʿUmar turned Abū Bakr's sister (out of the house) for her wailing (over a dead person).

وَالْخُصُومِ مِنَ الْبُيُوتِ بَعْدَ الْمَعْرِفَةِ . وَقَدْ أَخْرَجَ عُمَرُ أُخْتَ أَبِي بَكْرٍ حِينَ نَاحَتْ .

602. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "No doubt, I intended to order somebody to pronounce the Iqama of the (compulsory congregational) prayer and then I would go to the houses of those who do not attend the prayer and burn their houses over them.(1)"

٦٠٢ ـ حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ ، عَنْ شُعْبَةَ ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ ، عَنْ أَبِي هُرَيْرَةَ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : لَقَدْ هَمَمْتُ أَنْ آمُرَ بِالصَّلَاةِ فَتُقَامَ ، ثُمَّ أُخَالِفَ إِلَى مَنَازِلِ قَوْمٍ لا يَشْهَدُونَ الصَّلَاةَ فَأُحَرِّقَ عَلَيْهِمْ .

CHAPTER. To file a case for fulfilling the will of the deceased.

بابُ دَعْوَى الْوَصِيِّ لِلْمَيِّتِ .

603. Narrated ʿAisha رضي الله عنها : ʿAbd bin Zamʿa and Saʿd bin Abī Waqqāṣ carried the case of their claim of the (ownership) of the son of a slave-girl of Zamʿa before the Prophet ﷺ . Saʿd said, "O Allāh's Apostle! My brother, before his death, told me that when I returned (to Mecca) I should search for the son of the slave-girl of Zamʿa and take him into my custody as he was his son." ʿAbd bin Zamʿa said, "He is my brother and the son of the slave-girl of my father, and was born on my father's bed." The Prophet ﷺ noticed a close resemblance between ʿUtba

٦٠٣ ـ حَدَّثَنَا عَبْدُ اللهِ بْنُ مُحَمَّدٍ : حَدَّثَنَا سُفْيَانُ ، عَنِ الزُّهْرِيِّ ، عَنْ عُرْوَةَ ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا أَنَّ عَبْدَ بْنَ زَمْعَةَ وَسَعْدَ بْنَ أَبِي وَقَّاصٍ اخْتَصَمَا إِلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم فِي ابْنِ أَمَةِ زَمْعَةَ . فَقَالَ سَعْدٌ : يَا رَسُولَ اللهِ ، أَوْصَانِي أَخِي إِذَا قَدِمْتُ أَنْ أَنْظُرَ ابْنَ أَمَةِ زَمْعَةَ فَأَقْبِضَهُ فَإِنَّهُ ابْنِي . وَقَالَ : عَبْدُ بْنُ زَمْعَةَ أَخِي وَابْنُ أَمَةِ أَبِي ، وُلِدَ عَلَى فِرَاشِ أَبِي . فَرَأَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم شَبَهَهَا بَيِّنًا بِعُتْبَةَ ، فَقَالَ :

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(1) See Iqāmat-aṣ-Ṣalāt in the glossory.

and the boy but he said, "O ʿAbd bin Zamʿa! You will get this boy, as the son goes to the owner of the bed. You, Sauda, screen yourself from the boy."

هُوَ لكَ ياعَبدُ بنَ زَمعَةَ الوَلَدُ للفراشِ و احتَجِبِى مِنهُ ياسَوْدَةُ.

CHAPTER. Tying the person who is liable to do mischievous things.

Ibn ʿAbbās chained ʿIkrima to teach him Qurʾān, the Prophet's traditions, and the knowledge of Fraid (obligations and laws of inheritance).

بابُ التوَثُّقِ ممَّنْ يُخشَى مَعَرَّتُهُ.

و قَيَّدَ ابنُ عَبَّاسٍ عِكْرِمَةَ عَلى تَعلِيمِ القُرْآنِ والسُّنَنِ والفَرَائِضِ.

604. Narrated Abū Huraira رضي الله عنه: Allāh's Apostle ﷺ sent horsemen to Najd and they arrested and brought a man called Thumāma bin Uthāl, the chief of Yamāma, and they fastened him to one of the pillars of the Mosque. When Allāh's Apostle ﷺ came up to him, he asked, "What have you to say, O Thumāma?" He replied, "I have good news, O Muhammad!" Abū Huraira narrated the whole narration which ended with the order of the Prophet ﷺ, "Release him!"

٦٠٤ ـ حدَّثَنا قُتَيبَةُ: حدَّثَنا اللَّيْثُ، عَنْ سَعِيدِ بنِ أبى سَعِيد: أنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ يَقُولُ: بَعَثَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم خَيْلاً قِبَلَ نَجْدٍ فَجاءَتْ بِرَجُلٍ مِنْ بَنِى حَنِيفَةَ يُقالُ لَهُ ثُمامَةُ بنُ أثالٍ سَيِّدُ أهْلِ اليمامَةِ فَرَبَطُوهُ بِسارِيَةٍ مِنْ سَوَارِى المَسْجِد فَخَرَجَ إلَيْهِ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: ما عِنْدَكَ يا ثُمامَةُ؟ قالَ: عِنْدِى يا مُحَمَّدُ خَيرٌ، فَذَكَرَ الحَدِيثَ فَقالَ: أطْلِقُوا ثُمامَةَ.

CHAPTER. Fastening and imprisoning in the Haram.

Nāfiʿ bin Al-Hārith bought a house from Safwān bin Umaiya for using it as a prison on the condition that the deal would be confirmed if ʿUmar agreed to it, and if ʿUmar did not agree to it, Safwān

بابُ الرَّبْطِ والحَبْسِ فى الحَرَمِ.

واشْتَرَى نافِعُ بنُ عَبْدِ الحَارِثِ دَاراً لِلسِّجْنِ بِمَكَّةَ مِنْ صَفْوَانَ بنِ أُمَيَّةَ عَلَى إنْ عُمَرُ رَضِىَ فالبَيْعُ بَيْعُهُ، وإنْ لمْ يَرْضَ عُمَرُ فَلِصَفْوَانَ أرْبَعُمائةٍ.

و سَجَنَ ابنُ الزُّبَيرِ بِمَكَّةَ.

would take four-hundred (Dīnārs). Ibn Az-Zubair imprisoned (the culprits) in Mecca."

605. Narrated Abū Huraira ؓ: The Prophet ﷺ sent some horsemen to Najd and they arrested and brought a man called Thumāma bin Uthāl from the tribe of Banī Ḥanīfa, and they fastened him to one of the pillars of the Mosque.

٦٠٥ ـ حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: حَدَّثَنا اللَّيْثُ قالَ: حَدَّثَني سَعِيدُ بنُ أبي سَعِيدٍ: سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: بَعَثَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم خَيْلًا قِبَلَ نَجْدٍ فَجاءَتْ بِرَجُلٍ مِنْ بَني حَنِيفَةَ يُقالُ لَهُ ثُمامَةُ بنُ أثالٍ، فَرَبَطُوهُ بِسارِيَةٍ مِنْ سَوارِي المَسْجِدِ.

CHAPTER. (The creditors') persuit (after his debtors).

بابٌ ـ في المُلازَمَةِ.

606. Narrated ʿAbdullāh bin Kaʿb bin Mālik Al-Anṣārī from Kaʿb bin Mālik ؓ that ʿAbdullāh bin Abī Ḥadrad Al-Aslamī owed him some debt. Kaʿb met him and caught hold of him and they started talking and their voices rose high. The Prophet ﷺ passed by them and addressed Kaʿb, pointing out to him to reduce the debt to half. So, Kaʿb got half the debt and exempted the debtor from the other half.

٦٠٦ ـ حَدَّثَنا يَحْيَى بنُ بُكَيْرٍ: حَدَّثَنا اللَّيْثُ، عَنْ جَعْفَرِ بنِ رَبِيعَةَ، وقالَ غَيْرُهُ: حَدَّثَني اللَّيْثُ قالَ: حَدَّثَني جَعْفَرُ بنُ رَبِيعَةَ، عَنْ عَبْدِ اللهِ بنِ هُرْمُزَ، عَنْ عَبْدِ اللهِ بنِ كَعْبِ بنِ مالِكٍ الأنْصارِيِّ، عَنْ كَعْبِ بْنِ مالِكٍ رَضِيَ اللهُ عَنْهُ: أنَّهُ كانَ لَهُ عَلى عَبْدِ اللهِ بنِ أبي حَدْرَدٍ الأسْلَمِيِّ دَيْنٌ فَلَقِيَهُ فَلَزِمَهُ فَتَكَلَّما حَتَّى ارْتَفَعَتْ أصْواتُهُما فَمَرَّ بِهِما النَّبِيُّ صلى اللهُ عليهِ وسلَّم فَقالَ: يا كَعْبُ، وأشارَ بِيَدِهِ كَأنَّهُ يَقُولُ النِّصْفَ، فَأخَذَ نِصْفَ ما عَلَيْهِ وتَرَكَ نِصْفًا.

CHAPTER. Demanding one's debts.

بابُ التَّقاضي.

607. Narrated Khabbab رضي الله عنه : I was a blacksmith in the Pre-Islamic Ignorant Period, and ʿĀsī bin Wāʾil owed me some money. I went to him to demand it, but he said to me, "I will not pay you unless you reject faith in Muḥammad." I replied, "By Allāh, I will never disbelieve Muḥammad ﷺ till Allāh let you die and then resurrect you." He said, "Then wait till I die and come to life again, for then I will be given property and offspring and will pay your right." So, this revelation came:

"Have you seen him who denied Our revelation and said, 'I will surely be given property and offspring?'" (11 : 77)

٦٠٧ ـ حدَّثنا إسحاقُ: حدَّثنا وَهْبُ بنُ جَرِيرِ بنِ حازِمٍ: أخْبَرَنا شُعْبَةُ، عَنِ الأعمَشِ، عَنْ أبي الضُّحَى، عَنْ مَسْرُوقٍ، عَنْ خَبَّابٍ، قالَ: كُنْتُ قَيْنًا في الجاهِلِيَّةِ وكانَ لي عَلَى العاصِي ابنِ وائِلٍ دَراهِمُ فأتَيْتُهُ أتَقاضاهُ فَقالَ: لا أقْضِيكَ حَتَّى تَكْفُرَ بِمُحَمَّدٍ، فَقُلْتُ: لا واللهِ، لا أكْفُرُ بِمُحَمَّدٍ صلى اللهُ عليه وسلَّم حتَّى يُمِيتَكَ اللهُ ثُمَّ يَبْعَثَكَ. قالَ: فَدَعْنِي حتَّى أمُوتَ، ثُمَّ أُبْعَثَ فأُوتَى مالاً ووَلَدًا ثُمَّ أقْضِيَكَ. فَنَزَلَتْ ـ أفَرَأيْتَ الذي كَفَرَ بآياتِنا وقالَ لأُوتَيَنَّ مالاً ووَلَدًا ـ الآيةَ .

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF LUQATA (LOST THINGS PICKED UP BY SOMEBODY) :

CHAPTER. When the owner of the Luqata proves that it is his, it should be returned to him.

608. Narrated Ubai bin Ka'b رضي الله عنه : I found a purse containing one hundred Dinārs. So I went to the Prophet ﷺ (and informed him about it), he said, "Make public announcement about it for one year." I did so, but nobody turned up to claim it, so I again went to the Prophet ﷺ who said, "Make public announcement for another year." I did, but none turned up to claim it. I went to him for the third time and he said, "Keep the container and the string which is used in tying it and count the money it contains, and if its owner comes, give it to him ; otherwise, utilize it."

The sub-narrator Salama said, "I met him (Suwaid, another sub-narrator) in Mecca and he said, 'I don't know whether Ubai made the announcement for three years or just one year.'"

CHAPTER. Lost camels.

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

كتاب فى اللقطة

بابٌ ـ وإذَا أخْبَرَهُ رَبُّ اللُّقَطَةِ بالعَلامَةِ دَفَعَ إليْهِ .

٦٠٨ ـ حدَّثَنا آدَمُ : حدَّثَنا شُعْبَةُ وحدَّثَنى مُحَمَّدُ بنُ بَشَّارٍ : حدَّثَنا غُنْدَرٌ : حدَّثَنا شُعْبَةُ ، عَنْ سَلَمَةَ : سَمِعْتُ سُوَيْدَ بنَ غَفَلَةَ قالَ : لَقِيتُ أُبَىَّ بنَ كَعْبٍ رَضِىَ اللهُ عَنْهُ فقَالَ : أصَبْتُ صُرَّةً فِيها مائَةُ دِينارٍ فأتَيْتُ النَّبِىَّ صلى اللهُ عليهِ وسلَّم فقَالَ : عَرِّفْها حَوْلاً . فعَرَّفْتها ، فلَمْ أجِدْ مَنْ يَعْرِفُها ، ثُمَّ أتَيْتُهُ فقَالَ : عَرِّفْها حَوْلاً ، فعرَّفْتها فلَمْ أجِدْ . ثُمَّ أتَيْتُهُ ثَلاثاً ، فقالَ : احْفَظْ وِعاءَها وعَدَدَها وَوِكاءَها ، فإنْ جاءَ صَاحِبُها وإلاَّ فاسْتَمْتِعْ بِها ، فاسْتَمْتَعْتُ . فلَقِيتُهُ بَعْدُ بِمَكَّةَ فقالَ : لا أدْرِى ثَلاثَةَ أحْوالٍ أوْ حَوْلاً واحداً .

بابٌ ضالَّةِ الإبِلِ .

609. Narrated Zaid bin Khālid Al-Juhanī رضي الله عنه : A bedouin went to the Prophet ﷺ and asked him about picking up a lost thing. The Prophet ﷺ said, "Make public announcement about it for one year. Remember the description of its container and the string it is tied with, and if someone comes and claims it and describes it correctly, (give it to him); otherwise, utilize it." He said, "O Allāh's Apostle! What about a lost sheep?" The Prophet ﷺ said, "It is for you, for your brother (i. e. its owner), or for the wolf." He further asked, "What about a lost camel?" The face of the Prophet ﷺ became red (with anger) and said, "You have nothing to do with it, as it has its feet, its water reserve and can reach places of water and drink, and eat trees."

CHAPTER. Lost sheep.

610. Narrated Sulaimān bin Bilāl from Yaḥyā: Yazīd Maulā Al-Munba'ith heard Zaid bin Khālid al-Juhanī رضي الله عنه saying, "The Prophet ﷺ was asked about Luqata. He said, 'Remember the description of its container and the string it is tied with, and announce it publicly for one year.'" Yazīd added, "If nobody claims then the person who has found it can spend it, and it is regarded as a trust entrusted to him." Yaḥyā said, "I do not know whether the last sentences was said by the Prophet ﷺ or by Yazīd." Zaid further said, "The Prophet ﷺ was asked,

٦٠٩ - حَدَّثَنَا عَمْرُو بْنُ عَبَّاسٍ : حَدَّثَنَا عَبْدُ الرَّحْمَنِ : حَدَّثَنَا سُفْيَانُ ، عَنْ رَبِيعَةَ : حَدَّثَنِي يَزِيدُ مَوْلَى الْمُنْبَعِثِ ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ رَضِيَ اللهُ عَنْهُ قَالَ : جَاءَ أَعْرَابِيٌّ النَّبِيَّ صلى اللهُ عليه وسلَّم فَسَأَلَهُ عَمَّا يَلْتَقِطُهُ فَقَالَ : عَرِّفْهَا سَنَةً ثُمَّ اعْرِفْ عِفَاصَهَا وَوِكَاءَهَا ، فَإِنْ جَاءَ أَحَدٌ يُخْبِرُكَ بِهَا وَإِلَّا فَاسْتَنْفِقْهَا . قَالَ : يَا رَسُولَ اللهِ ، فَضَالَّةُ الْغَنَمِ ؟ قَالَ : لَكَ أَوْ لِأَخِيكَ أَوْ لِلذِّئْبِ ، قَالَ : ضَالَّةُ الْإِبِلِ ؟ فَتَمَعَّرَ وَجْهُ النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَقَالَ : مَالَكَ وَلَهَا ؟ مَعَهَا حِذَاؤُهَا وَسِقَاؤُهَا ، تَرِدُ الْمَاءَ وَتَأْكُلُ الشَّجَرَ .

بَابُ ضَالَّةِ الْغَنَمِ .

٦١٠ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللهِ قَالَ : حَدَّثَنِي سُلَيْمَانُ بْنُ بِلَالٍ ، عَنْ يَحْيَى ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ : أَنَّهُ سَمِعَ زَيْدَ بْنَ خَالِدٍ رَضِيَ اللهُ عَنْهُ يَقُولُ : سُئِلَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنِ اللُّقَطَةِ فَزَعَمَ أَنَّهُ قَالَ : اعْرِفْ عِفَاصَهَا وَوِكَاءَهَا ، ثُمَّ عَرِّفْهَا سَنَةً ، يَقُولُ يَزِيدُ : إِنْ لَمْ تُعْرَفْ اسْتَنْفَقَ بِهَا صَاحِبُهَا وَكَانَتْ وَدِيعَةً عِنْدَهُ . قَالَ يَحْيَى : فَهَذَا الَّذِي لَا أَدْرِي أَهُوَ فِي الْحَدِيثِ أَمْ شَيْءٌ مِنْ عِنْدِهِ ؟ ثُمَّ

'What about a lost sheep?. The Prophet ﷺ said, 'Take it, for it is for you or for your brother (i. e. its owner) or for the wolf.' " Yazīd added that it should also be announced publicly. The man then asked the Prophet ﷺ about a lost camel. The Prophet ﷺ said, "Leave it, as it has its feet, water-container (reservoir), and it will reach a place of water and eat trees till its owner finds it."

CHAPTER. If the owner of a lost thing is not found for one year, then the thing is for the one who has found it.

611. Narrated Zaid bin Khālid ؓ : A man came and asked Allah's Apostle ﷺ about picking a lost thing. The Prophet ﷺ said, "Remember the description of its container and the string it is tied with, and make public announcement about it for one year. If the owner shows up, give it to him; otherwise, do whatever you like with it." He then asked, "What about a lost sheep?" The Prophet ﷺ said, "It is for you, for your brother (i. e. its owner), or for the wolf." He further asked, "What about a lost camel?" The Prophet ﷺ said, "It is none of your concern. It has its water-container (reservoir) and its feet, and it will reach water and drink it and eat the trees till its owner finds it."

CHAPTER. If someone finds a piece of wood or a lash or similar things in the sea.

قالَ: كَيْفَ تَرَى فى ضَالَّةِ الغَنَمِ؟ قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: خذْها فإنَّما هِىَ لكَ أوْ لأخيكَ أوْ للذِّئْبِ. قالَ يَزِيدُ: وهىَ تُعَرَّفُ أيضًا ثُمَّ قالَ: كَيْفَ تَرَى فى ضَالَّةِ الإبِلِ؟ قالَ: فقالَ دَعْها فإنَّ مَعَها حِذَاءَها وسِقاءَها ترِدُ الماءَ وتأكُلُ الشَّجَرَ حَتَّى يَجِدَها رَبُّها .

بابٌ - إذَا لمْ يُوجَدْ صَاحِبُ اللُّقَطَةِ بَعْدَ سَنَةٍ فَهِىَ لِمَنْ وجَدَها.

٦١١ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخبَرَنا مالكٌ عَنْ رَبِيعَةَ بنِ أبى عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلى المُنْبَعِثِ، عَنْ زَيْدِ بنِ خالِدٍ رَضِىَ اللهُ عَنْهُ قالَ: جاءَ رَجُلٌ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَسَألَهُ عَنِ اللُّقَطَةِ، فقالَ: اعْرِفْ عِفاصَها و وكاءَها، ثُمَّ عَرِّفها سَنَةً فإنْ جاءَ صاحِبُها و إلاَّ فَشَأنَكَ بها. قالَ: فَضَالَّةُ الغَنَمِ؟ قالَ: هىَ لكَ أوْ لأخيكَ أوْ للذِّئْبِ. قالَ: فَضَالَّةُ الإبِلِ؟ قالَ: ما لكَ ولَها؟ مَعَها سِقاؤُها و حِذاؤُها، ترِدُ الماءَ و تأكُلُ الشَّجَرَ حتَّى يَلْقاها رَبُّها .

بابٌ - إذا وَجَدَ خَشَبَةً فى البَحْرِ أوْ سَوْطًا أوْ نَحْوَهُ. و قالَ اللَّيْثُ:

Narrated ʿAbdur-Raḥmān bin Hurmuz: Abū Huraira رضي الله عنه said, "Allāh's Apostle ﷺ mentioned an Israelī man." Abū Huraira then told the whole narration. (At the end of the narration it was mentioned that the creditor) went out to the sea, hoping that a boat might have brought his money. Suddenly he saw a piece of wood and he took it to his house to use as firewood. When he sawed it, he found his money and a letter in it.

CHAPTER. If somebody finds a date on the way.

612. Narrated Anas رضي الله عنه: The Prophet ﷺ passed by a date fallen on the way and said, "Were I not afraid that it belongs to the Ṣadaqa (charitable gifts), I would have eaten it."

Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "Sometimes when I return home and find a date fallen on my bed, I pick it up in order to eat it, but I fear that it might belong to the Sadaqa, so I throw it."

حَدَّثَنِى جَعْفَرُ بْنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمُزَ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ، عَنْ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم: أَنَّهُ ذَكَرَ رَجُلاً مِنْ بَنِى إِسْرَائِيلَ وَسَاقَ الحَدِيثَ، فَخَرَجَ يَنْظُرُ لَعَلَّ مَرْكَباً قَدْ جَاءَ بِمَالِهِ فَإِذَا هُوَ بِالخَشَبَةِ فَأَخَذَهَا لِأَهْلِهِ حَطَباً فَلَمَّا نَشَرَهَا وَجَدَ المَالَ وَالصَّحِيفَةَ.

بابٌ ـ إذا وَجَدَ تَمْرَةً فى الطَّرِيقِ.

٦١٢ ـ حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ طَلْحَةَ، عَنْ أَنَسٍ رَضِىَ اللهُ عَنْهُ قَالَ: مَرَّ النَّبِىُّ صلى اللهُ عليه وسلَّم بِتَمْرَةٍ فى الطَّرِيقِ فَقَالَ: لَوْلَا أَنِّى أَخَافُ أَنْ تَكُونَ مِنَ الصَّدَقَةِ لَأَكَلْتُهَا.

وَقَالَ يَحْيَى: حَدَّثَنَا سُفْيَانُ: حَدَّثَنِى مَنْصُورٌ، وَقَالَ زَائِدَةُ، عَنْ مَنْصُورٍ، عَنْ طَلْحَةَ. حَدَّثَنَا أَنَسٌ وَحَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللهِ، أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَّامِ بْنِ مُنَبِّهٍ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ، عَنِ النَّبِىِّ صلى اللهُ عليه وسلَّم قَالَ: إِنِّى لَأَنْقَلِبُ إِلَى أَهْلِى فَأَجِدُ التَّمْرَةَ سَاقِطَةً عَلَى فِرَاشِى فَأَرْفَعُهَا لِآكُلَهَا ثُمَّ أَخْشَى أَنْ تَكُونَ صَدَقَةً فَأُلْقِيهَا.

CHAPTER. How the Luqata at Macca is to be announced.

Narrated Ibn ʽAbbās رضي الله عنهما : The Prophet ﷺ said, "Nobody should pick up the Luqata (lost things) (of Mecca) except the one who makes public announcement for it." Ibn ʽAbbās said (in another narration): The Prophet ﷺ said, "None should pick up the fallen things of Mecca except that who announces it publicly."

Narrated Ibn ʽAbbās رضي الله عنهما : Allāh's Apostle ﷺ also said, "Its (i.e. Mecca's) thorny bushes should not be uprooted and its game should not be chased, and picking up its fallen things is illegal except by him who makes public announcement of it, and its grass should not be cut." ʽAbbās said, "O Allāh's Apostle! Except Idhkhir (a kind of grass)." The Prophet ﷺ said, "Except Idhkhir."

باب ـ كَيْفَ تُعَرَّفُ لُقَطَةُ أَهْلِ مَكَّةَ ؟ و قالَ طاوُسٌ عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: لا يَلْتَقِطُ لُقَطَتَها إلاَّ مَنْ عَرَّفَها. و قالَ خالِدٌ، عَنْ عِكْرِمَةَ عَنِ ابنِ عَبَّاسٍ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: لا تَلْتَقِطُ لُقَطَتَها إلاَّ مُعَرِّفٌ. وقالَ أَحْمَدُ بنُ سَعِيدٍ: حدَّثَنا رَوْحٌ: حدَّثَنا زَكَرِيَّا: حدَّثَنا عَمْرُو بنُ دِينارٍ، عَنْ عِكْرِمَةَ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: لا يُعْضَدُ عِضاهُها، ولا يُنَفَّرُ صَيْدُها، ولا تَحِلُّ لُقَطَتُها إلاَّ لِمُنْشِدٍ، ولا يُخْتَلَى خَلاها. فَقالَ عَبَّاسٌ: يارَسُولَ اللهِ إلاَّ الإِذْخِرَ، فَقالَ: إلاَّ الإِذْخِرَ .

613. Narrated Abū Huraira رضي الله عنه : When Allāh gave victory to His Apostle ﷺ over the people of Mecca, Allāh's Apostle ﷺ stood up among the people and after glorifying Allāh, said, "Allāh has prohibited fighting in Mecca and has given authority to His Apostle and the true believers over it, so fighting was illegal for anyone before me, and was made legal for me for a part of a day, and it will not be legal for anyone after me. Its game should not be chased, its thorny bushes should not be uprooted, and picking up its fallen things is not allowed except for one who makes public announcement for it, and

٦١٣ ـ حدَّثَنا يَحْيَى بنُ مُوسَى: حدَّثَنا الوَلِيدُ بنُ مُسْلِمٍ: حدَّثَنا الأَوْزاعِيُّ: حدَّثَنِي يَحْيَى بنُ أَبِي كَثِيرٍ قالَ: حدَّثَنِي أَبُوسَلَمَةَ بنُ عَبْدِ الرَّحْمَنِ قالَ: حدَّثَنِي أَبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: لمَّا فَتَحَ اللهُ عَلَى رَسُولِهِ صلى اللهُ عليهِ وسلَّم مَكَّةَ قامَ فِى النَّاسِ فَحَمِدَ اللهَ و أَثْنَى عَلَيْهِ ثُمَّ قالَ: إنَّ اللهَ حَبَسَ عَنْ مَكَّةَ القَتْلَ و سَلَّطَ عَلَيْها رَسُولَهُ والمُؤْمِنِينَ فإنَّها لا تَحِلُّ لأَحَدٍ كانَ قَبْلِي، و إنَّها أُحِلَّتْ لِي ساعَةً مِنْ نَهارٍ،

he whose relative is murdered has the option either to accept a compensation for it or to retaliate." Al-ʿAbbās said, "Except Al-Idhkhir, for we use it in our graves and houses." Allāh's Apostle ﷺ said, "Except Al-Idhkhir." Abū Shāh, a Yemenite, stood up and said, "O Allāh's Apostle! Get it written for me." Allāh's Apostle ﷺ said, "Write it for Abū Shah." (The sub-narrator asked Al-Auzāʿī): What did he mean by saying, "Get it written, O Allāh's Apostle?" He replied, "The speech which he had heard from Allāh's Apostle ﷺ."

CHAPTER. No animal may be milked without the permission of its owner.

614. Narrated Ibn ʿUmar رضي الله عنهما: Allāh's Apostle ﷺ said, "An animal should not be milked without the permission of its owner. Does any of you like that somebody comes to his store and breaks his container and takes away his food? The udders of the animals are the stores of their owners where their provision is kept, so nobody should milk the animals of somebody else, without the permission of its owner."

وإنَّها لا تَحِلُّ لأحَدٍ بَعْدِي فَلا يُنَفَّرُ صَيْدُها ولا يُخْتَلَى شَوْكُها ولا تَحِلُّ ساقِطَتُها إلاَّ لِمُنْشِدٍ. ومَنْ قُتِلَ لَهُ قَتِيلٌ فَهُوَ بِخَيْرِ النَّظَرَيْنِ: إمَّا أنْ يُفْدِيَ وإمَّا أنْ يُقِيدَ. فَقالَ العَبَّاسُ: إلاَّ الإذْخِرَ فإنَّا نَجْعَلُهُ لِقُبُورِنا وبُيُوتِنا، فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ: إلاَّ الإذْخِرَ. فَقامَ أبُو شاهٍ، رَجُلٌ مِنْ أهْلِ اليَمَنِ فَقالَ: اكْتُبُوا لي يا رَسُولَ اللهِ، فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ: اكْتُبُوا لأبي شاهٍ. قُلْتُ لِلأوْزاعِيِّ: ما قَوْلُهُ: اكْتُبُوا لي يا رَسُولَ اللهِ؟ قالَ: هَذِهِ الخُطْبَةَ الَّتي سَمِعَها مِنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ.

بابٌ - لا تُحْلَبُ ماشِيَةُ أحَدٍ بِغَيْرِ إذْنِهِ.

٦١٤ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالِكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ قالَ: لا يَحْلُبَنَّ أحَدٌ ماشِيَةَ امْرِئٍ بِغَيْرِ إذْنِهِ، أيُحِبُّ أحَدُكُمْ أنْ تُؤْتَى مَشْرُبَتُهُ فَتُكْسَرَ خِزانَتُهُ فَيُنْتَقَلَ طَعامُهُ؟ فإنَّما تَخْزُنُ لَهُمْ ضُرُوعُ مَواشِيهِمْ أطْعِماتِهِمْ، فَلا يَحْلُبَنَّ أحَدٌ ماشِيَةَ أحَدٍ إلاَّ بإذْنِهِ.

CHAPTER. If the owner of lost property comes back after a year, it should be returned to him as it is a trust with the one who has found it.

بابٌ - إذَا جاءَ صاحِبُ اللُّقَطَةِ بَعْدَ سَنَةٍ رَدَّها عَلَيْهِ لأَنَّها وَدِيعَةٌ عِنْدَهُ.

615. Narrated Zaid bin Khālid Al-Juhani ؓ : A man asked Allāh's Apostle ﷺ about the Luqata. He said, "Make public announcement of it for one year, then remember the description of its container and the string it is tied with, utilize the money, and if the owner comes back after that, give it to him." The people asked, "O Allāh's Apostle! What about a lost sheep?" Allāh's Apostle ﷺ said, "Take it, for it is for you, for your brother, or for the wolf." The man asked, "O Allāh's Apostle! What about a lost camel?" Allāh's Apostle ﷺ got angry and his cheeks or face became red, and said, "You have no concern with it as it has its feet, a water-container, till its owner finds it."

٦١٥ - حدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا إسماعِيلُ بنُ جَعْفَرٍ عَنْ رَبِيعَةَ ابنِ أبي عَبْدِ الرَّحْمَنِ عَنْ يَزِيدَ مَوْلَى المُنْبَعِثِ، عَنْ زَيْدِ بنِ خالِدٍ الجُهَنِيِّ رَضِيَ اللهُ عَنْهُ: أنَّ رَجُلاً سَأَلَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عَنِ اللُّقَطَةِ، قالَ: عَرِّفْها سَنَةً ثُمَّ اعْرِفْ وِكاءَها وعِفاصَها، ثُمَّ اسْتَنْفِقْ بِها فإنْ جاءَ رَبُّها فأدِّها إلَيْهِ. قالُوا: يا رَسُولَ اللهِ، فَضالَّةُ الغَنَمِ؟ قالَ: خُذْها فإنَّما هِيَ لكَ أوْ لأخِيكَ أوْ للذِّئْبِ. قالَ: يا رَسُولَ اللهِ، فَضالَّةُ الإبِلِ؟ قالَ: فَغَضِبَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم حتَّى احْمَرَّتْ وجْنَتاهُ أوِ احْمَرَّ وجْهُهُ. ثُمَّ قالَ: مالكَ ولَها؟ مَعَها حِذاؤُها وسِقاؤُها حتَّى يَلْقاها رَبُّها.

CHAPTER. Should one pick up a fallen thing lest it should be spoilt or taken by somebody who does not deserve it?

بابٌ - هَلْ يَأْخُذُ اللُّقَطَةَ ولا يَدَعُها تَضِيعُ حتَّى لا يَأْخُذَها مَنْ لا يَسْتَحِقُّ؟

616. Narrated Suwaid bin Ghafala: While I was in the company of Salmān bin Rabī‘a and Suhan, in one of the holy battles, I found a whip. One of them told

٦١٦ - حدَّثَنا سُلَيْمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ سَلَمَةَ بنِ كُهَيْلٍ قالَ: سَمِعْتُ سُوَيْدَ بنَ غَفَلَةَ قالَ:

me to drop it but I refused to do so and said that I would give it to its owner if I found him, otherwise I would utilize it. On our return we performed Ḥajj and on passing by Medīna, I asked Ubaī bin Ka b ؓ about it. He said, "I found a bag containing a hundred pounds in the life-time of the Prophet ﷺ and took it to the Prophet ﷺ who said to me, 'Make public announcement about it for one year.' So, I announced it for one year and went to the Prophet ﷺ who said, 'Announce it publicly for another year.' So, I announced it for another year. I went to him again and he said, "Announce for an other year." So I announced for still another year. I went to the Prophet ﷺ for the fourth time, and he said, 'Remember the amount of money, the description of its container and the string it is tied with, and if the owner comes, give it to him; otherwise, utilize it.' "

617. Salama narrated the above narration from Ubaī bin Kaʿb, adding, "I met the sub-narrator at Mecca later on, but he did not remember whether Kaʿb had announced what he had found for one year or three years."

CHAPTER. Whoever announced the Luqata in public and did not hand it over to the ruler.

618. Narrated Zaid bin Khālid ؓ: A bedouin asked the Prophet ﷺ about the Luqata. The Prophet ﷺ said, "Make public announcement of it for one

كُنْتُ مَعَ سَلْمَانَ بْنِ رَبِيعَةَ و زَيْدِ ابنِ صُوحانَ فِي غَزَاةٍ، فَوَجَدْتُ سَوْطًا فَقَالَ لِي أَلْقِهِ، قُلْتُ: لا، ولَكِنْ إنْ وجَدْتُ صَاحِبَهُ و إلاَّ اسْتَمْتَعْتُ بِهِ. فلَمَّا رَجَعْنا حَجَجْنا فمَرَرْتُ بالمَدِينَةِ فسَأَلْتُ أُبَيَّ بنَ كَعْبٍ رَضِيَ اللهُ عَنْهُ فقَالَ: وجَدْتُ صُرَّةً عَلَى عَهْدِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم فيها مِائَةُ دِينارٍ فأتَيْتُ بِها النَّبِيَّ صلى اللهُ عليهِ وسلَّم فقَالَ: عَرِّفْهَا حَوْلاً، فعَرَّفْتُها حَوْلاً. ثُمَّ أتَيْتُ فقَالَ: عَرِّفْها حَوْلاً، فعَرَّفْتُها حَوْلاً. ثُمَّ أتَيْتُهُ فقَالَ: عَرِّفْها حَوْلاً، فعَرَّفْتُها حَوْلاً، ثُمَّ أتَيْتُهُ الرَّابِعَةَ فقَالَ: اعْرِفْ عِدَّتَها و وِكَاءَها و وِعَاءَها، فإنْ جاءَ صَاحِبُها و إلاَّ اسْتَمْتِعْ بِها.

٦١٧ ـ حدَّثَنا عَبْدَانُ قالَ: أخْبَرَنِي أبِي عَنْ شُعْبَةَ، عَنْ سَلَمَةَ بِهذا قالَ: فلَقِيتُهُ بَعْدُ بِمَكَّةَ، فقَالَ: لا أدْرِي أثَلاثَةَ أحْوالٍ أوْ حَوْلاً واحِدًا.

بابُ مَنْ عَرَّفَ اللُّقَطَةَ ولَمْ يَدْفَعْها إلى السُّلْطانِ.

٦١٨ ـ حدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا سُفْيانُ، عَنْ رَبِيعَةَ، عَنْ يَزِيدَ مَوْلَى المُنْبَعِثِ، عَنْ زَيْدِ بنِ خالِدٍ رَضِيَ اللهُ عَنْهُ: أنَّ أعْرابِيًّا سَأَلَ

year and if then somebody comes and describes the container of the Luqata and the string it was tied with, (give it to him); otherwise, spend it." He then asked the Prophet ﷺ about a lost camel. The face of the Prophet ﷺ become red and he said, " You have no concern with it as it has its water reservoir and feet and it will reach water and drink and eat trees. Leave it till its owner finds it." He then asked the Prophet ﷺ about a lost sheep. The Prophet ﷺ said, " It is for you, for your brother, or for the wolf."

النَّبِيَّ صلى اللهُ عليه وسلَّم عَنِ اللُّقَطَةِ قالَ: عَرِّفْها سَنَةً فإنْ جاءَ أحَدٌ يُخْبِرُكَ بِعِفاصِها و وِكائِها و إلاَّ فاسْتَنْفِقْ بِها. و سَأَلَهُ عَنْ ضالَّةِ الإبِلِ فَتَمَعَّرَ وَجْهُهُ و قالَ: مالَكَ ولَها؟ مَعَها سِقاؤُها و حِذاؤُها، تَرِدُ الماءَ و تأكُلُ الشَّجَرَ، دَعْها حتَّى يَجِدَها رَبُّها. و سَأَلَهُ عَنْ ضالَّةِ الغَنَمِ فقالَ: هِيَ لكَ أو لأخِيكَ أو للذِّئْبِ.

CHAPTER :—

بابٌ :—

619. Narrated Abū Bakr ؓ : While I was on my way, all of a sudden I saw a shepherd driving his sheep, I asked him whose servant he was. He replied that he was the servant of a man from Quraish, and then he mentioned his name and I recognised him. I asked, " Do your sheep have some milk ?" He replied in the affirmative. I said, " Are you going to milk for me?" He replied in the affirmative. I ordered him and he tied the legs of one of the sheep. Then I told him to clean the teats of dust and to remove dust off his hands. He removed the dust off his hands by clapping his hands. He then milked a little milk. I put the milk for Allāh's Apostle ﷺ in a pot and closed its mouth with a piece of cloth and poured

٦١٩ - حدَّثَنِي إسحاقُ بنُ إبْراهِيمَ: أخْبَرَنا النَّضْرُ: أخْبَرَنا إسْرائيلُ، عَنْ أبي إسحاقَ قالَ: أخْبَرَنِي البَراءُ، عَنْ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما. حدَّثَنا عَبْدُ اللهِ ابنُ رَجاءٍ: حدَّثَنا إسْرائيلُ، عَنْ أبي إسحاقَ عَنِ البَراءِ، عَنْ أبي بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَ: انْطَلَقْتُ فإذا أنا بِراعِي غَنَمٍ يَسُوقُ غَنَمَهُ فقُلْتُ: مِمَّنْ أنْتَ؟ قالَ لِرَجُلٍ مِنْ قُرَيْشٍ، فَسَمَّاهُ فعَرَفْتُهُ، فَقُلْتُ: هَلْ في غَنَمِكَ مِنْ لَبَنٍ؟ فقالَ: نَعَمْ، فقُلْتُ: هَلْ أنْتَ حالِبٌ لي؟ قالَ: نَعَمْ، فأمَرْتُهُ فاعْتَقَلَ شاةً مِنْ غَنَمِهِ ثُمَّ أمَرْتُهُ أنْ يَنْفُضَ ضَرْعَها مِنَ الغُبارِ، ثُمَّ أمَرْتُهُ أنْ يَنْفُضَ كَفَّيْهِ فقالَ: هكَذا، ضَرَبَ إحْدَى كَفَّيْهِ

water over it till it became cold. I took it to the Prophet ﷺ and said, "Drink, O Allāh's Apostle!" He drank it till I was pleased.

بالأُخْرَى فَحَلَبَ كُثْبَةً مِنْ لَبَنٍ وَقَدْ جَعَلْتُ لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ إداوةً عَلَى فِيهَا خِرْقَةٌ فَصَبَبْتُ عَلَى اللَّبَنِ حتَّى بَرَدَ أَسْفَلُهُ ، فانْتَهَيْتُ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَقُلْتُ : اشْرَبْ يا رَسُولَ اللهِ ، فَشَرِبَ حتَّى رَضِيتُ .

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF OPPRESSIONS :

CHAPTERS. Concerning oppressions and unlawful arbitrariness and the Statement of Allāh تعالى :—

> ‘Think not that Allāh is
> Unaware of the deeds,
> Of, that which the wrong-doers do
> But He gives them respite up to
> the day,
> When the eyes will stare
> In horror...............
> They will come running forward
> With necks out stretched,
> Their heads uplifted, (towards the
> sky) their gaze
> Returning not towards them,
> And their minds empty.’ (14 : 42-43)

(Explanation of certain Arabic words included in the the translation of the above verses.)

> ‘And warn mankind, (O Muhammad)
> Of a day when the Torment
> Will reach them ; then will
> The wrong-doers say : “ Our Lord !
> Reprieve us
> For a short while ! We will
> Answer Your Call, and follow
> The Apostles !” (It will be said),

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

كتاب المظالم

فى المظالِمِ والغَصْبِ. و قَوْلِ اللهِ تَعالى ـ ولا تحْسَبنَّ اللهَ غافِلاً عَمَّا يَعْمَلُ الظَّالِمُونَ ، إنَّما يُؤَخِّرُهُمْ لِيَوْمٍ تَشْخَصُ فِيهِ الأبْصارُ مُهْطِعِينَ مُقْنِعِي رُءوسِهِمْ ـ رَافِعِي رُءوسِهِمْ. المُقْنِعُ والمُقْمِحُ واحِدٌ. و قالَ مُجَاهِدٌ : مُهْطِعِينَ : مُدِيمِي النَّظَرِ. و قالَ غَيرُهُ : مُسْرِعِينَ ـ لا يَرْتَدُّ إلَيْهِمْ طَرْفُهُمْ و أفْئِدَتُهُمْ هَوَاءٌ ـ يَعْنِى جُوفا لا عُقُولَ لهُمْ ـ و أنْذِرِ النَّاسَ يَوْمَ يأتِيهِمُ العَذَابُ فَيَقُولُ الَّذِينَ ظَلَمُوا رَبَّنا أخِّرنا إلى أجَلٍ قَرِيبٍ نُجِبْ دَعْوَتَكَ و نَتَّبِعِ الرُّسُلَ أوَلَمْ تَكُونُوا أقْسَمْتُمْ مِنْ قَبْلُ مالَكُمْ مِنْ زَوَالٍ ، و سَكَنْتُمْ فى مَساكِنِ الَّذِينَ ظَلَمُوا أنْفُسَهُمْ و تَبَيَّنَ لَكُمْ كَيْفَ فَعَلْنا بِهِمْ و ضَرَبْنا لَكُمُ الأمْثالَ . و قَدْ مَكَرُوا مَكْرَهُمْ و عِنْدَ اللهِ مَكْرُهُمْ و إنْ كانَ مَكْرُهُمْ لِتَزُولَ مِنْهُ الجِبالُ، فَلا تَحْسَبَنَّ اللهَ مُخْلِفَ وعْدِهِ رُسُلَهُ إنَّ اللهَ عَزِيزٌ ذُو انْتِقامٍ ـ .

Had you not sworn afore time that
you should not leave (this world
for the Hereafter)
And you dwelt in dwellings
Of men who wronged their own
Souls and you were clearly shown
How We dealt with them;
And made examples for you,
Verily, they plotted their plot,
But their plots
Were (well) within the sight
Of Allāh, even though they were,
Such as to remove the mountains:
(real mountains or the Islamic laws)
from their places.
Never think that Allāh will fail
To keep His promise to His Apostle
ﷺ, certainly Allāh is All-Mighty,
The Lord of Retribution.
(14:44-47)

CHAPTER. Retaliation (on the Day of Judgement) in cases of oppressions.

بابُ قِصَاصِ المَظالِمِ .

620. Narrated Abū Sa'īd Al-Khudrī رضي الله عنه: Allāh's Apostle ﷺ said, "When the true believers pass safely over (the bridge over) Hell, they will be stopped at a bridge in between Hell and Paradise where they will retaliate upon each other for the injustices done among them in the world, and when they get purified of all their sins, they will be admitted into Paradise. By Him in Whose Hands the life of Muhammad ﷺ is, everybody will recognise his dwelling in Paradise better

٦٢٠ ـ حَدَّثَنا إسحاقُ بنُ إبْرَاهِيمَ : أخْبرَنا مُعاذُ بنُ هِشامٍ : حدَّثني أبي ، عَنْ قَتادَةَ ، عَنْ أبي المُتَوكِّلِ النَّاجِي ، عَنْ أبي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ ، عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : إذَا خَلَصَ المُؤْمِنُونَ مِنَ النَّارِ حُبِسُوا بِقَنْطَرَةٍ بَيْنَ الجَنَّةِ والنَّارِ فَيَتَقاصُّونَ مظالم كانَتْ بَيْنَهُمْ فى الدُّنْيا حَتَّى إذَا نُقُّوا وهُذِّبُوا أُذِنَ لهُمْ بِدُخُولِ الجَنَّةِ . فوَ الَّذِي نَفْسُ مُحَمَّدٍ صلى اللهُ عليهِ وسلَّم

than he recognises his dwelling in this world."

CHAPTER. The Statement of Allāh ﷻ :—

'Behold! The Curse of Allāh is upon the wrong-doers.' (11:18)

621. Narrated Ṣafwān bin Muḥriz Almāzinī: While I was walking with Ibn ʿUmar رضي الله عنهما holding his hand, a man came in front of us and asked, "What have you heard from Allāh's Apostle ﷺ about An-Najwa?"(1) Ibn ʿUmar said, "I heard Allāh's Apostle ﷺ saying, 'Allah will bring the faithful believer near Him and shelter him with His Screen and ask him: Did you commit such-and-such sins? He will say: Yes, my Lord. Allāh goes on asking him till he confesses all his sins and thinks that he will be ruined. Allāh will say: 'I did not expose your sins in the world and so I forgive them for you today', and then he will be given the book of his good deeds. Regarding infidels and hypocrites (their evil acts will be exposed publicly and) the witnesses will say: These are the people who disbelieved their Lord. Behold! The Curse of Allāh is upon the wrong-doers.'" (11:18)

بِيَدِهِ لأَحَدُهُمْ بِمَسْكَنِهِ فى الجَنَّةِ أَدَلُّ بِمَنْزِلِهِ كانَ فى الدُّنْيا. و قالَ يُونُسُ بنُ مُحَمَّدٍ: حدَّثَنا شَيْبانُ، عَنْ قَتادَةَ: حدَّثَنا أَبُو المُتَوَكِّلِ.

بابُ قَوْلِ اللهِ تَعالى ـ ألا لَعْنَةُ اللهِ عَلَى الظَّالِمِينَ ـ.

٦٢١ ـ حدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا هِشامٌ قالَ: حدَّثَنى قَتادَةُ، عَنْ صَفْوانَ بنِ مُحْرِزٍ المازِنِىِّ قالَ: بَيْنَما أنا أَمْشِى مَعَ ابنِ عُمَرَ رَضِىَ اللهُ عَنْهُما آخِذٌ بِيَدِهِ، إذْ عَرَضَ رَجُلٌ فَقالَ: كَيْفَ سَمِعْتَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فى النَّجْوَى؟ فَقالَ: سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ: إنَّ اللهَ يُدْنِى المُؤْمِنَ فَيَضَعُ عَلَيْهِ كَنَفَهُ و يَسْتُرُهُ فَيَقُولُ: أَتَعْرِفُ ذَنْبَ كَذَا؟ أَتَعْرِفُ ذَنْبَ كَذَا؟ فَيَقُولُ: نَعَمْ أَىْ رَبِّ، حتَّى قَرَّرَهُ بِذُنُوبِهِ ورَأَى فى نَفْسِهِ أنَّهُ هَلَكَ قالَ: سَتَرْتُها عَلَيْكَ فى الدُّنْيا، و أنا أَغْفِرُها لكَ اليَوْمَ. فَيُعْطَى كِتابَ حَسَناتِهِ. و أَمَّا الكافِرُ والمُنافِقُونَ فَيَقُولُ الأَشْهادُ: هؤُلاءِ الَّذِينَ كَذَبُوا عَلَى رَبِّهِمْ ألا لَعْنَةُ اللهِ عَلَى الظَّالِمِينَ.

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(1) An-Najwa is confidential talk between Allāh and His devotee on the Day of Judgement. It is a favour from Allah upon His devotee. The Hadith explains the word clearly.

CHAPTER. A Muslim should not oppress another Muslim, nor should he hand him over to an oppressor.

بَابٌ - لا يَظْلِمُ المُسْلِمُ المُسْلِمَ وَلا يُسْلِمُهُ .

622. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ said, "A Muslim is a brother of another Muslim, so he should not oppress him, nor should he hand him over to an oppressor. Whoever is busy in fulfilling the needs of his brother, Allah will fulfill his needs; whoever brings his brother out of one calamity, Allāh will bring him out of one of the calamities of the Day of Resurrection, and whoever screens a Muslim, Allāh will screen him on the Day of Resurrection."

٦٢٢ - حَدَّثَنا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهابٍ أَنَّ سالِما أَخْبَرَهُ: أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ رَضِىَ اللهُ عَنْهُما أَخْبَرَهُ: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: المُسْلِمُ أَخُو المُسْلِمِ، لا يَظْلِمُهُ وَلا يُسْلِمُهُ، وَمَنْ كانَ فى حاجَةِ أَخِيهِ، كانَ اللهُ فى حاجَتِهِ. وَمَنْ فَرَّجَ عَنْ مُسْلِمٍ كُرْبَةً فَرَّجَ اللهُ عَنْهُ كُرْبَةً مِنْ كُرُباتِ يَوْمِ القِيامَةِ. وَمَنْ سَتَرَ مُسْلِما سَتَرَهُ اللهُ يَوْمَ القِيامَةِ .

CHAPTER. Help your brother whether oppressing or oppressed. (See Ḥadith 624 below.)

بَابٌ - أَعِنْ أَخاكَ ظالِما أَوْ مَظْلُوما.

623. Narrated Anas bin Mālik رضي الله عنه : Allāh's Apostle ﷺ said, "Help your brother, whether oppressing or oppressed."

٦٢٣ - حَدَّثَنا عُثْمانُ بْنُ أَبِى شَيْبَةَ: حَدَّثَنا هُشَيْمٌ: أَخْبَرَنا عُبَيْدُ اللهِ بْنُ أَبِى بَكْرِ بْنِ أَنَسٍ، وَحُمَيْدٌ سَمِعا أَنَسَ بْنَ مالِكٍ رَضِىَ اللهُ عَنْهُ يَقُولُ: قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: انْصُرْ أَخاكَ ظالِما أَوْ مَظْلُوما .

624. Narrated Anas رضي الله عنه : Allāh's Apostle ﷺ said, "Help your brother, whether oppressing or oppressed." People asked, "O Allāh's Apostle! It is all right

٦٢٤ - حَدَّثَنا مُسَدَّدٌ: حَدَّثَنا مُعْتَمِرٌ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ رَضِىَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ صلى اللهُ

to help him if he is oppressed, but how should we help him if he is an oppressor?" The Prophet ﷺ said, "By preventing him from oppressing others."

عليهِ وسلَّم: انْصُرْ أخاكَ ظالما أوْ مَظْلُوما. قالُوا: يا رَسُولَ اللهِ ، هذَا نَنْصُرُهُ مَظْلُوما فَكَيْفَ نَنْصُرُهُ ظالما ؟ قالَ: تَأخُذُ فَوْقَ يَدَيْهِ .

CHAPTER. To help the oppressed.

بابُ نَصْرِ المَظْلُومِ .

625. Narrated Mu'āwiya bin Suwaid: I heard Al-Barā' bin 'Āzib ؓ saying, "The Prophet ﷺ ordered us to do seven things and prohibited us from doing seven other things." Then Al-Barā' mentioned the following:—

(1) to visit patients (enquiring about their health),
(2) to follow funerals,
(3) to say to him who sneezes, "May Allāh be merciful to you" (when he says, "Praise be to Allāh!"),
(4) to return greetings,
(5) to help the oppressed,
(6) to accept invitations,
(7) to fulfil one's oaths.

٦٢٥ - حدَّثَنا سَعِيدُ بنُ الرَّبيعِ : حدَّثَنا شُعْبَةُ ، عَنِ الأشْعَثِ بنِ سُلَيمٍ قالَ: سَمِعْتُ مُعاوِيَةَ بنَ سُوَيْدٍ قالَ: سَمِعْتُ البرَاءَ بنَ عازِبٍ رَضِيَ اللهُ عَنْهُما قالَ: أمَرَنا النَّبِيُّ صلى اللهُ عليهِ وسلَّم بِسَبْعٍ و نَهانا عَنْ سَبْعٍ : فَذَكَرَ عِيادَةَ المَرِيضِ واتِّباعَ الجَنائِزِ ، و تَشْمِيتَ العاطِسِ ، و رَدَّ السَّلامِ ، و نَصْرَ المَظْلُومِ ، و إجابَةَ الدَّاعِي و إبْرَارَ المُقْسِمِ .

626. Narrated Abū Mūsā ؓ: The Prophet ﷺ said, "A faithful believer to another faithful believer is like a building whose different parts enforce each other." The Prophet ﷺ clapped his hands (while saying that).

٦٢٦ - حدَّثَنا مُحَمَّدُ بنُ العَلاءِ : حدَّثَنا أبُو أُسامَةَ ، عَنْ بُرَيْدٍ ، عَنْ أبي بُرْدَةَ ؛ عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ: المُؤْمِنُ للمُؤْمِنِ كالبُنْيانِ يَشُدُّ بَعْضُهُ بَعْضاً ، و شَبَّكَ بَينَ أصابِعِهِ .

CHAPTER. To retaliate upon an

بابُ الانْتِصارِ مِنَ الظَّالِمِ ، لِقَوْلِهِ

oppressor (by invoking Allāh to punish him) as is referred to in this Statement of Allāh عز وجل :—

‘Allāh likes not that evil
Should be noised
In public, except
By him who is oppressed,
For Allāh
Is He Who hears,
And knows all things;’ (4:148)

‘And those who, when
They are oppressed
(do not behave in a
cowardly manner, but)
Help and protect themselves.’
(42:39)

Ibrāhīm said, “They disliked to be humiliated, and when they were powerful, they would forgive (their oppressors).”

CHAPTER. Forgiveness granted by the oppressed person as is referred to by the Statement of Allāh تعالى :—

‘If you disclose a good deed
Or cenceal it
Or pardon an evil
Verily, Allāh is Pardoning, Powerful.’ (4:149)

‘The requite for an ill-deed is a similar ill
But if a person forgives and makes reconciliation,
His reward is due
From Allāh
As Allāh does not like the oppressors.
But who so defends himself after being
Oppressed, such are not to blame.

جَلَّ ذِكْرُهُ - لا يُحِبُّ اللهُ الجَهْرَ بِالسُّوءِ مِنَ القَوْلِ إلاَّ مَنْ ظُلِمَ ، وكانَ اللهُ سَمِيعًا عَلِيمًا. والَّذِينَ إذَا أصَابَهُمُ البَغْيُ هُمْ يَنْتَصِرُونَ - قالَ إبْرَاهِيمُ : كانُوا يَكْرَهُونَ أنْ يُسْتَذَلُّوا ، فإذَا قَدَرُوا عَفَوا .

بابُ عَفْوِ المَظْلُومِ ، لِقَوْلِهِ تَعالى - إنْ تُبْدُوا خَيرًا أوْ تُخْفُوهُ أوْ تَعْفُوا عَنْ سُوءٍ فإنَّ اللهَ كانَ عَفُوًّا قَدِيرًا ، وجَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُها ، فمَنْ عَفَا وأصْلَحَ فأجْرُهُ عَلى اللهِ ، إنَّهُ لا يُحِبُّ الظَّالِمِينَ ، ولِمَنِ انْتَصَرَ بَعْدَ ظُلْمِهِ فأولئِكَ ما عَلَيْهِمْ مِنْ سَبِيلٍ . إنَّما السَّبِيلُ عَلى الَّذِينَ يَظْلِمُونَ النَّاسَ ، ويَبْغُونَ فى الأرْضِ بِغَيرِ الحَقِّ أُولئِكَ لهُمْ عَذَابٌ ألِيمٌ . ولَمَنْ صَبَرَ وغَفَرَ إنَّ ذَلِكَ لَمِنْ عَزْمِ الأُمُورِ . وتَرَى الظَّالِمِينَ لمَّا رَأوا العَذَابَ يَقُولُونَ هَلْ إلى مَرَدٍّ مِنْ سَبِيلٍ - .

The blame is only
Against those who oppress others
With wrong-doing
And insolently transgress beyond bounds through the land, without right and justice; for such there will
Be a painful torment.
But indeed, if anyone
Shows patience and forgives
That would truly be
An exercise of a courageous will
And resolution in the conduct of affairs.
The wrong-doers, when they see the punishment,
Say: Is there any way (to effect) a return (to the worldly life).'
(42:40-45)

CHAPTER. Oppression will cause darkness on the Day of Resurrection.

بابٌ ـ الظُّلْمُ ظُلُماتٌ يَوْمَ القِيامَةِ .

627. Narrated Ibn 'Umar رضي الله عنهما : The Prophet ﷺ said, "Oppression will couse darkness on the Day of Resurrection."

٦٢٧ ـ حَدَّثَنا أَحْمَدُ بنُ يُونُسَ : حَدَّثَنا عَبْدُ العَزِيزِ الماجِشُونَ : أَخْبَرَنا عَبْدُ اللهِ بنُ دِينارٍ ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : الظُّلْمُ ظُلُماتٌ يَوْمَ القِيامَةِ .

CHAPTER. One should save oneself from the invocation (i. e. appeal to Allāh) of the oppressed.

بابُ الاتِّقاءِ والحَذَرِ مِنْ دَعْوَةِ المَظْلُومِ .

628. Narrated Ibn 'Abbās رضي الله عنهما : The Prophet ﷺ sent Mu'ādh to Yemen and said, "Beware! Save yourself

٦٢٨ ـ حَدَّثَنا يَحْيَى بنُ مُوسَى : حَدَّثَنا وَكِيعٌ : حَدَّثَنا زَكَرِيَّا بنُ إِسْحاقَ

from the invocation of the oppressed as no curtain intervenes between it and Allāh."(1)

CHAPTER. If somebody has done-wrong another and the one who has been done wrong forgives the wrong-doer, is it necessary that the wrong deed be specified on forgiving the wrong-doer?

629. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, "Whoever has done wrong another concerning his reputation or anything else, he should ask him to forgive him before the Day of Resurrection when there will be no money (to compensate for wrong deeds), but his good deeds will be taken from him for the oppression which he has done. If he has no good deeds, the sins of the oppressed person will be loaded on him."

المَكِّيِّ، عَنْ يَحْيَى بنِ عَبْدِ اللهِ بنِ صَيْفِيٍّ، عَنْ أبي مَعْبَدٍ مَوْلَى ابنِ عَبَّاسٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما: أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم بَعَثَ مُعاذًا إلى اليَمَنِ، فقالَ: اتَّقِ دَعْوَةَ المَظْلُومِ فإنَّها لَيْسَ بَيْنَها و بَيْنَ اللهِ حِجابٌ .

باب مَنْ كانَتْ لَهُ مَظْلَمَةٌ عِنْدَ الرَّجُلِ فَحَلَّلَها لَهُ، هَلْ يُبَيِّنُ مَظْلَمَتَهُ؟ .

٦٢٩ - حدَّثَنا آدَمُ بنُ أبي إياسٍ: حدَّثَنا ابنُ أبي ذِئْبٍ: حدَّثَنا سَعِيدٌ المَقْبُرِيُّ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَنْ كانَتْ لَهُ مَظْلَمَةٌ لأخِيهِ مِنْ عِرْضِهِ أوْ شَيْءٍ فَلْيَتَحَلَّلْهُ مِنْهُ اليَوْمَ قَبْلَ أنْ لا يَكُونَ دِينارٌ ولا دِرْهَمٌ، إنْ كانَ لَهُ عَمَلٌ صالِحٌ أُخِذَ مِنْهُ بِقَدْرِ مَظْلَمَتِهِ. و إنْ لمْ تَكُنْ لَهُ حَسَنَاتٌ أُخِذَ مِنْ سَيِّئاتِ صاحِبِهِ فَحُمِلَ عَلَيْهِ. قالَ أبو عَبْدِ اللهِ: قالَ إسماعِيلُ بنُ أبي أوَيْسٍ: إنَّما سُمِّيَ المَقْبُرِيُّ لأنَّهُ كانَ نَزَلَ ناحِيَةَ المَقابِرِ.

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(1) Allāh will respond to his invocation and punish the oppressor sooner or later. (Qasṭalānī, V. 4, P. 258)

CHAPTER. If the oppressed person forgives the oppressor, he has no right to back out.

630. Narrated ‘Āisha رضي الله عنها regarding the explaination of the following verse :—

‘ If a wife fears
Cruelty or desertion
On her husband’s part ’. (4 : 128)

A man may dislike his wife and intend to divorce her, so she says to him, “ I give up my rights, so do not divorce me.” The above verse was revealed concerning such a case.

CHAPTER. If a person allows another or permits him (the latter) to have something of his right and does not clarify as to how much is that ?

631. Narrated Sahl bin Sa‘d As-Sā‘idī رضي الله عنه : A drink (milk mixed with water) was brought to Allāh’s Apostle ﷺ who drank some of it. A boy was sitting to his right, and some old men to his left. Allāh’s Apostle ﷺ said to the boy, “ Do you allow me to give the rest of the drink to these people ?” The boy said, “ I shall not give up my share of your gift to anybody else.” Allāh’s Apostle ﷺ then handed the bowl (of drink) to the boy.

قالَ أبُو عَبْدِ اللهِ : و سَعِيدٌ المَقْبُرِىُّ هُوَ مَوْلَى بَنِى لَيْثٍ ، و هُوَ سَعِيدُ بنُ أبى سَعِيدٍ ، واسْمُ أبى سَعِيدٍ كَيْسانُ .

باب ـ إذَا حَلَّلَهُ مِنْ ظُلْمِهِ فَلا رَجُوعَ فِيهِ .

٦٣٠ ـ حدَّثَنا مُحَمَّدٌ : أخْبرَنا عَبْدُ اللهِ : أخْبرَنا هِشامُ بنُ عُرْوَةَ ، عَنْ أبِيهِ ، عَنْ عائِشَةَ رَضِىَ اللهُ عَنْها ـ و إنِ امْرَأَةٌ خافَتْ مِنْ بَعْلِها نُشُوزًا أوْ إعْرَاضًا ـ قالَتْ : الرَّجُلُ تَكُونُ عِنْدَهُ المَرْأَةُ لَيْسَ بِمُسْتَكْثِرٍ مِنْها يُرِيدُ أنْ يُفارِقَها فَتَقُولُ : أجْعَلُكَ مِنْ شأنِى فى حِلٍّ فَنَزَلَتْ هذِهِ الآيَةُ فى ذلِكَ .

باب ـ إذَا أذِنَ لَهُ أوْ أحَلَّهُ ولَمْ يُبَيِّنْ كَمْ هُوَ ؟

٦٣١ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبرَنا مالِكٌ ، عَنْ أبى حازِمِ بنِ دِينارٍ ، عَنْ سَهْلِ بنِ سَعْدٍ السَّاعِدِىِّ رَضِىَ اللهُ عَنْهُ : أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم أُتِىَ بِشَرابٍ فَشَرِبَ و عَنْ يَمِينِهِ غُلامٌ و عَنْ يَسارِهِ الأشْياخُ فَقالَ لِلغُلامِ : أتَأْذَنُ لى أنْ أُعْطِىَ هؤُلاءِ ؟ فَقالَ الغُلامُ : لا واللهِ يا رَسُولَ اللهِ ، لا أُوثِرُ بِنَصِيبِى مِنْكَ أحَدًا ، قالَ : فَتَلَّهُ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فى يَدِهِ .

CHAPTER. The sin of him who usurps the land of others.

بابُ إِثْمِ مَنْ ظَلَمَ شَيْئًا مِنَ الأَرْضِ .

632. Narrated Saʿid bin Zaid ؓ: Allāh's Apostle ﷺ said, "Whoever usurps the land of somebody unjustly, his neck will be clasped with it down to the seventh earth (on the Day of Resurrection)."

٦٣٢ ـ حَدَّثَنَا أَبُو اليَمانِ : أَخْبَرَنا شُعَيْبٌ ، عَنِ الزُّهْرِيِّ قالَ : حَدَّثَني طَلْحَةُ بنُ عَبْدِ اللهِ : أَنَّ عَبْدَ الرَّحْمَنِ ابْنَ عَمْرِو بْنِ سَهْلٍ : أَخْبَرَاهُ أَنَّ سَعِيدَ بنَ زَيْدٍ رَضِيَ اللهُ عَنْهُ قالَ : سَمِعْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ : مَنْ ظَلَمَ مِنَ الأَرْضِ شَيْئًا . طُوِّقَهُ مِنْ سَبْعِ أَرَضِينَ .

633. Abū Salama narrated that there was a dispute between him and some people (about a piece of land). When he told ʿAisha ؓ about it, she said, "O Abū Salama! Avoid taking the land unjustly, for the Prophet ﷺ said, 'Whoever usurps even one span of the land of somebody, his neck will be clasped with it down to the seventh earth.'"

٦٣٣ ـ حَدَّثَنَا أَبُو مَعْمَرٍ : حَدَّثَنا عَبْدُ الوارِثِ : حَدَّثَنا حُسَيْنٌ ، عَنْ يَحْيَى بنِ أَبي كَثِيرٍ قالَ : حَدَّثَني مُحَمَّدُ ابنُ إِبْراهِيمَ : أَنَّ أَبا سَلَمَةَ حَدَّثَهُ : أَنَّهُ كانَتْ بَيْنَهُ وبَيْنَ أُناسٍ خُصُومَةٌ فَذَكَرَ لِعائِشَةَ رَضِيَ اللهُ عَنْها فَقالَتْ لَهُ : يا أَبا سَلَمَةَ اجْتَنِبِ الأَرْضَ فإِنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم قالَ : مَنْ ظَلَمَ قِيدَ شِبْرٍ مِنَ الأَرْضِ طُوِّقَهُ مِنْ سَبْعِ أَرَضِينَ .

634. Narrated Sālim's father (i. e. ʿAbdullāh ؓ): The Prophet ﷺ said, "Whoever takes a piece of the land of others unjustly, he will be caused to sink into the bottom of the seventh earth."

٦٣٤ ـ حَدَّثَنا مُسْلِمُ بنُ إِبْراهِيمَ : حَدَّثَنا عَبْدُ اللهِ بنُ المُبارَكِ : حَدَّثَنا مُوسَى بنُ عُقْبَةَ ، عَنْ سالِمٍ ، عَنْ أَبيهِ رَضِيَ اللهُ عَنْهُ ، قالَ : قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : مَنْ أَخَذَ مِنَ الأَرْضِ شَيْئًا

CHAPTER. If somebody allows another to do something, the permission is valid.

635. Narrated Jabala: While we were in Medina with some of the Iraqi people, all of a sudden famine broke out and Ibn Az-Zubair used to give us dates. Ibn ʿUmar رضي الله عنهما used to pass by and say, "The Prophet ﷺ forbade us to eat two dates at a time, unless one takes the permission of one's companions."

636. Narrated Abū Masʿūd رضي الله عنه : There was an Anṣārī man called Abū Shuʿaib who had a slave butcher. Abū Shuʿaib said to him, "Prepare a meal sufficient for five persons so that I might invite the Prophet ﷺ besides other four persons." Abū Shuʿaib had seen the signs of hunger on the face of the Prophet ﷺ and so he invited him. Another man not invited, followed the Prophet ﷺ . The Prophet ﷺ said to Abū Shuʿaib, "This man has followed us. Do you allow him to share the meal?" Abū Shuʿaib said, "Yes."

بِغَيْرِ حَقِّهِ خُسِفَ بِهِ يَوْمَ الْقِيَامَةِ إِلَى سَبْعِ أَرْضِينَ. قَالَ الْفِرَبْرِي: قَالَ أَبُو جَعْفَرِ بْنِ أَبِي حَاتِمٍ: قَالَ أَبُو عَبْدِ اللهِ: هَذَا الْحَدِيثُ لَيْسَ بِخُرَاسَانَ فِي كُتُبِ ابْنِ الْمُبَارَكِ، أَمْلَاهُ عَلَيْهِمْ بِالْبَصْرَةِ.

بَابٌ - إِذَا أَذِنَ إِنْسَانٌ لِآخَرَ شَيْئًا جَازَ.

٦٣٥ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ، عَنْ جَبَلَةَ: كُنَّا بِالْمَدِينَةِ فِي بَعْضِ أَهْلِ الْعِرَاقِ فَأَصَابَنَا سَنَةٌ، فَكَانَ ابْنُ الزُّبَيْرِ يَرْزُقُنَا التَّمْرَ، فَكَانَ ابْنُ عُمَرَ رَضِيَ اللهُ عَنْهُمَا يَمُرُّ بِنَا فَيَقُولُ: إِنَّ رَسُولَ اللهِ صلى الله عليه وسلم نَهَى عَنِ الْإِقْرَانِ إِلَّا أَنْ يَسْتَأْذِنَ الرَّجُلُ مِنْكُمْ أَخَاهُ.

٦٣٦ - حَدَّثَنَا أَبُو النُّعْمَانِ: حَدَّثَنَا أَبُو عَوَانَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ أَبِي مَسْعُودٍ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ يُقَالُ لَهُ أَبُو شُعَيْبٍ كَانَ لَهُ غُلَامٌ لَحَّامٌ فَقَالَ لَهُ أَبُو شُعَيْبٍ: اصْنَعْ لِي طَعَامَ خَمْسَةٍ لَعَلِّي أَدْعُو النَّبِيَّ صلى اللهُ عليه وسلَّم خَامِسَ خَمْسَةٍ، وَأَبْصَرَ فِي وَجْهِ النَّبِيِّ صلى اللهُ عليه وسلَّم الْجُوعَ فَدَعَاهُ فَتَبِعَهُمْ رَجُلٌ لَمْ يُدْعَ فَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: إِنَّ هَذَا قَدِ اتَّبَعَنَا، أَتَأْذَنُ لَهُ؟ قَالَ: نَعَمْ.

CHAPTER. The Statement of Allāh تعالى :—

'He is the worst type of querrelsome person.' (2 : 204)

بَابُ قَوْلِ اللهِ تَعَالَى ـ وَ هُوَ أَلَدُّ الخِصَامِ ـ .

637. Narrated 'Āisha رضي الله عنها : The Prophet ﷺ said, "The person under the severest wrath of Allāh (on the Day of Resurrection) will be the most rigid quarrelsome person."

٦٣٧ ـ حَدَّثَنَا أَبُو عَاصِمٍ ، عَنِ ابْنِ جُرَيْجٍ ، عَنِ ابْنِ أَبِي مُلَيْكَةَ ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ : إِنَّ أَبْغَضَ الرِّجَالِ إِلَى اللهِ الأَلَدُّ الخَصِمُ .

CHAPTER. The sin of a man who quarrels unjustly over something while he knows that he is wrong.

بَابُ إِثْمِ مَنْ خَاصَمَ فِي بَاطِلٍ وَ هُوَ يَعْلَمُهُ .

638. Narrated Um Salama رضي الله عنها : the wife of the Prophet ﷺ : Allāh's Apostle ﷺ heard some people quarrelling at the door of his dwelling. He came out and said, "I am a human being, and opponents come to me (to settle their problems); may be someone amongst you can present his case more eloquently than the other, whereby I may consider him true and give a verdict in his favour. So, if I give the right of a Muslim to another by mistake, then it is really a portion of (Hell) Fire, he has the option to take or give up (before the Day of Resurrection)."

٦٣٨ ـ حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ عَبْدِ اللهِ قَالَ : حَدَّثَنِي إِبْرَاهِيمُ بْنُ سَعْدٍ ، عَنْ صَالِحٍ ، عَنِ ابْنِ شِهَابٍ قَالَ : أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ : أَنَّ زَيْنَبَ بِنْتَ أُمِّ سَلَمَةَ أَخْبَرَتْهُ أَنَّ أُمَّهَا أُمَّ سَلَمَةَ رَضِيَ اللهُ عَنْهَا زَوْجَ النَّبِيِّ صلى اللهُ عليه وسلَّم أَخْبَرَتْهَا عَنْ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم : أَنَّهُ سَمِعَ خُصُومَةً بِبَابِ حُجْرَتِهِ فَخَرَجَ إِلَيْهِمْ فَقَالَ : إِنَّمَا أَنَا بَشَرٌ ، وَ إِنَّهُ يَأْتِينِي الخَصْمُ فَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ أَبْلَغَ مِنْ بَعْضٍ فَأَحْسِبُ أَنَّهُ صَدَقَ فَأَقْضِيَ لَهُ بِذَلِكَ ، فَمَنْ قَضَيْتُ لَهُ بِحَقِّ مُسْلِمٍ فَإِنَّمَا هِيَ قِطْعَةٌ مِنَ النَّارِ فَلْيَأْخُذْهَا أَوْ فَلْيَتْرُكْهَا .

CHAPTER. (The sin of) the person who, when quarrelling, behaves impudently (i. e. by using bad words or false accusation).

بابٌ - إذا خاصَمَ فَجَرَ .

639. Narrated ʿAbdullāh bin ʿAmr رضي الله عنهما : The Prophet ﷺ said "Whoever has (these) four qualities is a hypocrite, and whoever has any one of them has one quality of hypocrisy till he abandons it. These are: Whenever he speaks, he tells a lie; whenever he makes promise, he breaks it; whenever he is made a trustee, he betrays; and whenever he quarrels, he behaves impudently in an evil insulting manner"

٦٣٩ - حدَّثنا بِشْرُ بنُ خالِدٍ : أخبرَنا مُحمَّدٌ ، عَنْ شُعْبَةَ ، عَنْ سُليمانَ ، عَنْ عَبْدِ اللهِ بنِ مُرَّةَ ، عَنْ مَسْرُوقٍ ، عَنْ عَبْدِ اللهِ بنِ عَمْرٍو رَضِيَ اللهُ عَنْهُما ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ قالَ : أرْبَعٌ مَنْ كُنَّ فِيهِ كانَ مُنافِقاً ، أوْ كانَتْ فيهِ خَصْلَةٌ مِنْ أرْبَعٍ كانَتْ فيهِ خَصْلَةٌ مِنَ النِّفاقِ حتَّى يَدَعَها : إذا حَدَّثَ كَذَبَ ، و إذا وعَدَ أخْلَفَ ، و إذا عاهَدَ غَدَرَ ، و إذا خاصَمَ فَجَرَ .

CHAPTER. The retaliation of the oppressed person if he finds the property of his oppressor.

Ibn Sīrīn said, "The oppressed person can take what is equal to the amount taken by the oppressor." He then recited:—

> 'And if you retaliate, then inflict a punishment similar to that inflicted upon you.' (16 : 126)

بابُ قِصاصِ المَظْلُومِ إذا وجَدَ مالَ ظالمِهِ . و قالَ ابنُ سِيرِينَ : يُقاصُّهُ ، وقرَأَ - و إنْ عاقَبْتُم فعاقِبُوا بِمِثْلِ ما عُوقِبْتُم بِهِ - .

640. Narrated ʿĀisha رضي الله عنها : Hind bint ʿUtba (Abū Sufyān's wife) came and said, "O Allāh's Apostle! Abū Sufyān is a miser, am I sinful if I take from his money to feed our children?" He said, "You are not sinful if you feed them reasonably (with no extravagance)."

٦٤٠ - حدَّثنا أبُو اليَمانِ : أخبرَنا شُعَيْبٌ ، عَنِ الزُّهْرِيِّ قالَ : حدَّثني عُرْوَةُ أنَّ عائشةَ رَضِيَ اللهُ عَنْها قالَتْ : جاءتْ هِنْدٌ بِنْتُ عُتْبَةَ بنِ رَبِيعَةَ فقالَتْ : يا رَسُولَ اللهِ ، إنَّ

أبا سُفْيانَ رَجُلٌ مِسِّيكٌ فَهَلْ عَلَيَّ حَرَجٌ أنْ أُطْعِمَ مِنَ الَّذِي لَهُ عِيالَنا؟ فَقالَ: لا حَرَجَ عَلَيْكِ أنْ تُطْعِمِيهِمْ بِالمَعْرُوفِ .

641. Narrated ʿUqba bin ʿAmir رضي الله عنه : We said to the Prophet ﷺ ,"You send us out and it happens that we have to stay with such people as do not entertain us. What should we do then?" He said, "If you stay with some people and they entertain you as becomes the guests, accept their hospitality, but if they don't do, take the right of the guest from them."

٦٤١ - حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ قالَ: حدَّثَنِي يَزِيدُ، عَنْ أبي الخَيْرِ، عَنْ عُقْبَةَ بنِ عامِرٍ قالَ: قُلْنا للنَّبِيِّ صلى اللهُ عليهِ وسلَّم إنَّكَ تَبْعَثُنا فَنَنْزِلُ بِقَوْمٍ لا يَقْرُونَنا، فما تَرَى فِيهِ؟ فَقالَ لَنا: إنْ نَزَلْتُم بِقَوْمٍ فأُمِرَ لَكُمْ بِما يَنْبَغِي للضَّيْفِ فاقْبَلُوا، فإنْ لَمْ يَفْعَلُوا فَخُذُوا مِنْهُمْ حَقَّ الضَّيْفِ .

CHAPTER. What is said about sheds. The Prophet ﷺ with his companions, sat at the Bani Saʿida's shed.

بابٌ ما جاءَ في السَّقائِفِ، وجَلَسَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم وأصحابُهُ في سَقِيفَةِ بَنِي ساعِدَةَ .

642. Narrated ʿUmar رضي الله عنه : When the Prophet ﷺ passed away, the Anṣar gathered at Bani Saʿida's shed. I said to Abū Bakr, "Let us go." So, we went to them (i.e. to Anṣar) to Bani Saʿida's shed.

٦٤٢ - حدَّثَنا يَحْيَى بنُ سُلَيْمانَ قالَ: حدَّثَنِي ابنُ وَهْبٍ قالَ: حدَّثَنِي مالِكٌ ح. وأخْبَرَنِي يُونُسُ عَنِ ابنِ شِهابٍ قالَ: أخْبَرَنِي عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ ابنِ عُتْبَةَ: أنَّ ابنَ عَبَّاسٍ أخْبَرَهُ عَنْ عُمَرَ رَضِيَ اللهُ عَنْهُمْ قالَ: حِينَ تَوَفَّى اللهُ نَبِيَّهُ صلى اللهُ عليهِ وسلَّم إنَّ الأنْصارَ اجْتَمَعُوا في سَقِيفَةِ بَنِي ساعِدَةَ فَقُلْتُ لأبي بَكْرٍ: انْطَلِقْ بِنا، فَجِئْناهُمْ في سَقِيفَةِ بَنِي ساعِدَةَ .

CHAPTER. No one should prevent his neighbour from fixing a wooden peg in his wall.

643. Narrated Al-A raj: Abū Huraira رضي الله عنه said, "Allāh's Apostle ﷺ said, 'No-one should prevent his neighbour from fixing a wooden peg in his wall.'' Abū Huraira رضي الله عنه said (to his companions), "Why do I find you acting against this narration? By Allāh, I will certainly narrate it before you."

CHAPTER. Spilling wine on the way.

644. Narrated Anas رضي الله عنه : I was the butler of the people in the house of Abū Ṭalḥa, and in those days drinks were prepared from dates. Allāh's Apostle ﷺ ordered somebody to announce that alcoholic drinks had been prohibited. Abū Ṭalḥa ordered me to go out and spill the wine. I went out and spilled it, and it flowed in the streets of Medīna. Some people said, "Some people were killed and wine was still in their stomachs." On that the Divine revelation came :—

'On those who believe
And do deeds of righteousness
There is no blame
For what they ate and drank (in the past).' (5:96)

بابٌ ـ لا يَمْنَعُ جارٌ جارَهُ أنْ يَغْرِزَ خَشَبَةً فى جِدارِهِ .

٦٤٣ ـ حدَّثنا عَبْدُ اللهِ بنُ مَسْلَمَةَ ، عَنْ مالكٍ ، عَنِ ابنِ شِهابٍ عَنِ الأعْرَجِ ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ قالَ : لا يَمْنَعْ جارٌ جارَهُ أنْ يَغْرِزَ خَشَبَةً فى جِدارِهِ ، ثُمَّ يَقُولُ أبُو هُرَيْرَةَ : مالى أراكُم عَنها مُعْرِضِينَ ؟ واللهِ لأرْمِيَنَّها بَيْنَ أكْتافِكُمْ .

بابُ صَبِّ الخَمْرِ فى الطَّرِيقِ .

٢٤٤ ـ حدَّثنى مُحَمَّدُ بنُ عَبْدِ الرَّحِيمِ أبُو يَحْيَى : أخْبَرَنا عَفَّانُ : حدَّثنا حَمَّادُ ابنُ زَيْدٍ : حدَّثنا ثابتٌ ، عَنْ أنَسٍ رَضِىَ اللهُ عَنْهُ : كُنْتُ ساقىَ القَوْمِ فى مَنْزِلِ أبى طَلْحَةَ ، وكانَ خَمْرُهُمْ يَوْمَئِذٍ الفَضِيخَ ، فأمَرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ مُنادِيًا يُنادى : ألا إنَّ الخَمْرَ قَدْ حُرِّمَتْ ، قالَ : فَقالَ لى أبُو طَلْحَةَ : اخْرُجْ فأهْرِقْها ، فَخَرَجْتُ فَهَرَقْتُها فَجَرَتْ فى سِكَكِ المَدِينَةِ . فَقالَ بَعْضُ القَوْمِ : قَدْ قُتِلَ قَوْمٌ وهِىَ فى بُطُونِهِمْ ، فأنْزَلَ اللهُ : ـ لَيْسَ عَلَى الَّذِينَ آمَنُوا و عَمِلُوا الصَّالِحاتِ جُناحٌ فِيما طَعِمُوا ـ الآيَةَ .

CHAPTER. What is said about the open court yards of houses and sitting in them, and sitting on the ways.

Narrated 'Aisha رضي الله عنها : Abū Bakr got a mosque constructed in front of his house and used to pray and recite Qur'ān there. The women and children of the infidels used to encircle him and were astonished at his behaviour. The Prophet ﷺ was in Mecca at that time.

بَابُ أَفْنِيَةِ الدُّورِ وَالجُلُوسِ فِيهَا، وَالجُلُوسِ عَلَى الصُّعُدَاتِ .

وَقَالَتْ عَائِشَةُ : فَابْتَنَى أَبُو بَكْرٍ مَسْجِدًا بِفِنَاءِ دَارِهِ يُصَلِّي فِيهِ وَ يَقْرَأُ القُرْآنَ فَيَتَقَصَّفُ عَلَيْهِ نِسَاءُ المُشْرِكِينَ وَ أَبْنَاؤُهُمْ ، يَعْجَبُونَ مِنْهُ وَالنَّبِيُّ صلى الله عليه وسلّم يَوْمَئِذٍ بِمَكَّةَ .

645. Narrated Abū Sa'īd Al-Khudrī رضي الله عنه : The Prophet ﷺ said, "Avoid sitting on the ways." The prople said, "There is no way out of it as these are our sitting places where we have talks." The Prophet ﷺ said, "If you must sit there, then observe the rights of the way." They asked, "What are the rights of the way?" He said, "They are the lowering of your gazes (on seeing what is illegal to look at), refraining from harming people, returning greetings, advocating good and forbidding evil,"

٦٤٥ - حَدَّثَنَا مُعَاذُ بنُ فَضَالَةَ : حَدَّثَنَا أَبُو عُمَرَ حَفْصُ بنُ مَيْسَرَةَ ، عَنْ زَيْدِ بنِ أَسْلَمَ ، عَنْ عَطَاءِ بنِ يَسَارٍ ، عَنْ أَبِي سَعِيدٍ الخُدْرِيِّ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلّم قَالَ : إِيَّاكُمْ وَالجُلُوسَ عَلَى الطُّرُقَاتِ ، فَقَالُوا : مَا لَنَا بُدٌّ ، إِنَّمَا هِيَ مَجَالِسُنَا نَتَحَدَّثُ فِيهَا . قَالَ : فَإِذَا أَتَيْتُمْ إِلَى المَجَالِسِ فَأَعْطُوا الطَّرِيقَ حَقَّهَا . قَالُوا : وَمَا حَقُّ الطَّرِيقِ ؟ قَالَ : غَضُّ البَصَرِ ، وَ كَفُّ الأَذَى ، وَ رَدُّ السَّلَامِ ، وَ أَمْرٌ بِالمَعْرُوفِ ، وَنَهْيٌ عَنِ المُنْكَرِ .

CHAPTER. The digging of wells on the ways (is permissible) if they do not cause trouble to the people.

بَابُ الآبَارِ عَلَى الطُّرُقِ إِذَا لَمْ يُتَأَذَّ بِهَا .

646. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "A man felt very thirsty while he was on the way, where he came across a well. He went

٦٤٦ - حَدَّثَنَا عَبْدُ اللهِ بنُ مَسْلَمَةَ ، عَنْ مَالِكٍ ، عَنْ سُمَيٍّ مَوْلَى أَبِي بَكْرٍ ، عَنْ أَبِي صَالِحٍ السَّمَّانِ ، عَنْ أَبِي هُرَيْرَةَ

down the well, quenched his thirst and came out, and saw a dog panting and licking mud because of excessive thirst. He said to himself, "This dog is suffering from thirst as I did." So, he went down the well again and filled his shoe with water and watered it. Allāh accepted this deed of his and forgave his sins." The people said, "O Allāh's Apostle! Do we get reward for (watering) animals?" He said, "There is reward for (watering) any living being."

رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم قالَ: بَيْنَما رَجُلٌ بِطَرِيقٍ فاشْتَدَّ عَلَيْهِ العَطَشُ فَوَجَدَ بِئْرًا فَنَزَلَ فِيها فَشَرِبَ ثُمَّ خَرَجَ، فإِذَا كَلْبٌ يَلْهَثُ يأْكُلُ الثَّرَى مِنَ العَطَشِ. فَقالَ الرَّجُلُ: لَقَدْ بَلَغَ هذَا الكَلْبَ مِنَ العَطَشِ مِثْلُ الَّذِي كانَ بَلَغَ مِنِّي، فَنَزَلَ البِئْرَ فَمَلأَ خُفَّهُ ماءً، فَسَقَى الكَلْبَ، فَشَكَرَ اللهُ لَهُ فَغَفَرَ لَهُ. قالُوا: يا رَسُولَ اللهِ، و إنَّ لَنا فى البهائمِ لأَجْرًا؟ فَقالَ: فى كُلِّ ذاتِ كَبِدٍ رَطْبَةٍ أَجْرٌ.

CHAPTER. To remove harmful things from the roads.

Narrated Abū Huraira ﵁: The Prophet ﷺ said, "To remove harmful things from the roads is Ṣadaqa (a charitable act)."

بابُ إماطَةِ الأذَى. وقالَ هَمَّامٌ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: يُمِيطُ الأذَى عَنِ الطَّرِيقِ صَدَقَةٌ.

CHAPTER. (The permissibility of living on) higher places of a house, looking on other houses or not looking on other houses, whether these places are on roofs or not.

بابُ الغُرْفَةِ والعُلِّيَّةِ المُشْرِفَةِ و غَيْرِ المُشْرِفَةِ فى السطُوحِ و غَيْرِها.

647. Narrated Usāma bin Zaid ﵄: Once the Prophet ﷺ stood at one of the higher buildings of Medīna and said, "Do you see what I see? I see the spots of afflictions among your houses as many as rain-drops."

٦٤٧ ـ حدَّثَني عَبْدُ اللهِ بنُ مُحَمَّدٍ: حدَّثَنا ابنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ أُسامَةَ بنِ زَيْدٍ رَضِيَ اللهُ عَنْهُما قالَ: أَشْرَفَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَلَى أُطُمٍ مِنْ آطامِ المَدِينَةِ

648. Narrated ʿAbdullāh bin ʿAbbās رضي الله عنهما : I had a persistent desire of asking ʿUmar رضي الله عنه regarding the two wives of the Prophet ﷺ whom Allāh addressed in the Qurʾān saying :—

> ʻYou two must turn in repentance
> To Allāh because your hearts have
> gone astray.ʼ (65 : 4)

Once I performed Ḥajj with ʿUmar (and on our way back from Ḥajj) he went to a sideway (to answer the call of nature) and I followed him with a bowl of water. When he had answered the call of nature and returned, I poured water on his hands from the bowl and he performed ablution. I said, " O the Chief of the faithful believers! Who are the two wives of the Prophet ﷺ to whom Allāh عَزَّ وَجَلَّ said :—

ʻ If you two return in repentance...?ʼ " He said, " It is strange, O Ibn ʿAbbās, that you do not know that ; they are Aisha and Hafsa رضي الله عنهما ." Then ʿUmar started relating the narration and said, " I and my Anṣārī neighbour were living where the tribe of Banī Umaiya bin Zaid lived, and that was at ʿAwālī Al-Medīna. We used to go to the Prophet ﷺ by turns ; he would visit him one day, and I another. When I went down town I would inform

ثُمَّ قَالَ: هَلْ تَرَوْنَ مَا أَرَى؟ إِنِّي أَرَى مَوَاقِعَ الْفِتَنِ خِلَالَ بُيُوتِكُمْ كَمَوَاقِعِ الْقَطْرِ.

٦٤٨ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُبَيْدُ اللهِ بْنُ عَبْدِ اللهِ ابْنِ أَبِي ثَوْرٍ، عَنْ عَبْدِ اللهِ بْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: لَمْ أَزَلْ حَرِيصًا عَلَى أَنْ أَسْأَلَ عُمَرَ رَضِيَ اللهُ عَنْهُ عَنِ الْمَرْأَتَيْنِ مِنْ أَزْوَاجِ النَّبِيِّ صلى اللهُ عليه وسلَّم اللَّتَيْنِ قَالَ اللهُ لَهُمَا - إِنْ تَتُوبَا إِلَى اللهِ فَقَدْ صَغَتْ قُلُوبُكُمَا - فَحَجَجْتُ مَعَهُ فَعَدَلَ وَعَدَلْتُ مَعَهُ بِالْإِدَاوَةِ فَتَبَرَّزَ ثُمَّ جَاءَ فَسَكَبْتُ عَلَى يَدَيْهِ مِنَ الْإِدَاوَةِ فَتَوَضَّأَ فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ، مَنِ الْمَرْأَتَانِ مِنْ أَزْوَاجِ النَّبِيِّ صلى اللهُ عليه وسلَّم اللَّتَانِ قَالَ اللهُ عَزَّ وَجَلَّ لَهُمَا - إِنْ تَتُوبَا إِلَى اللهِ فَقَدْ صَغَتْ قُلُوبُكُمَا - فَقَالَ: وَاعَجَبًا لَكَ يَا ابْنَ عَبَّاسٍ، عَائِشَةُ وَحَفْصَةُ. ثُمَّ اسْتَقْبَلَ عُمَرُ الْحَدِيثَ يَسُوقُهُ. فَقَالَ: إِنِّي كُنْتُ وَجَارٌ لِي مِنَ الْأَنْصَارِ فِي بَنِي أُمَيَّةَ بْنِ زَيْدٍ، وَهِيَ مِنْ عَوَالِي الْمَدِينَةِ، وَكُنَّا نَتَنَاوَبُ النُّزُولَ عَلَى النَّبِيِّ صلى اللهُ عليه وسلَّم، فَيَنْزِلُ يَوْمًا وَأَنْزِلُ يَوْمًا. فَإِذَا نَزَلْتُ جِئْتُهُ مِنْ خَبَرِ ذَلِكَ الْيَوْمِ مِنَ الْأَمْرِ وَغَيْرِهِ،

my neighbour about all the instructions and orderes of that day, and he would do the same when he went. We the people of Quraish, used to have authority over women, but when we came to live with the Anṣār, we noticed that the Anṣārī women had the upperhand over their men, so our women started acquiring the habits of the Anṣārī women. Once I shouted at my wife and she paid me back in my coin and I felt it. She said, 'Why do you take it ill that I retort upon you? By Allāh, the wives of the Prophet ﷺ retort upon him, and some of them may not speak with him for the whole day till night.' What she said scared me and I said, 'Whoever amongst them does so, is a great loser.' Then I dressed myself and went to Ḥafṣa and asked her, 'Does any of you remain displeased with Allāh's Apostle ﷺ all the day long till night?' She replied in the affirmative. I said, 'May she (who gets angry with him) never have success! Doesn't she fear that Allāh may bestow His wrath upon her as Allāh's Apostle ﷺ will be displeassed with her, and thus she gets ruined? Don't ask Allāh's Apostle ﷺ too many things, and don't retort upon him in any case, and don't desert him. Demand from me whatever you like, and don't be misled (by ʿĀisha's behaviour towards the Prophet ﷺ), for your husband's other wife (i.e. ʿĀisha) is more beautiful than you are and more beloved by Allāh's Apostle ﷺ In those days it was rumoured that Ghassan, (a tribe living in Shāʾm) was getting

وَ إِذَا نَزَلَ فَعَلَ مِثْلَهُ، وَ كُنَّا مَعْشَرَ قُرَيْشٍ نَغْلِبُ النِّسَاءَ، فَلَمَّا قَدِمْنَا عَلَى الأَنْصَارِ إِذَا هُمْ قَوْمٌ تَغْلِبُهُمْ نِسَاؤُهُمْ فَطَفِقَ نِسَاؤُنَا يَأْخُذْنَ مِنْ أَدَبِ نِسَاءِ الأَنْصَارِ، فَصِحْتُ عَلَى امْرَأَتِي فَرَاجَعَتْنِي فَأَنْكَرْتُ أَنْ تُرَاجِعَنِي فَقَالَتْ وَلِمَ تُنْكِرُ أَنْ أُرَاجِعَكَ ؟ ، فَوَاللهِ إِنَّ أَزْوَاجَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم لَيُرَاجِعْنَهُ، وَ إِنَّ إِحْدَاهُنَّ لَتَهْجُرُهُ الْيَوْمَ حَتَّى اللَّيْلِ فَأَفْزَعَنِي فَقُلْتُ: خَابَتْ مَنْ فَعَلَتْ مِنْهُنَّ بِعَظِيمٍ، ثُمَّ جَمَعْتُ عَلَيَّ ثِيَابِي فَدَخَلْتُ عَلَى حَفْصَةَ، فَقُلْتُ: أَيْ حَفْصَةُ، أَتُغَاضِبُ إِحْدَاكُنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم الْيَوْمَ حَتَّى اللَّيْلِ ؟ فَقَالَتْ: نَعَمْ، فَقُلْتُ خَابَتْ وَ خَسِرَتْ، أَفَتَأْمَنُ أَنْ يَغْضَبَ اللهُ لِغَضَبِ رَسُولِهِ صلى اللهُ عليهِ وسلَّم فَتَهْلِكِينَ ؟ لا تَسْتَكْثِرِي عَلَى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم وَلا تُرَاجِعِيهِ فِي شَيْءٍ وَلا تَهْجُرِيهِ، وَ اسْأَلِينِي مَا بَدَا لَكِ وَلا يَغُرَّنَّكِ أَنْ كَانَتْ جَارَتُكِ هِيَ أَوْضَأُ مِنْكِ وَ أَحَبُّ إِلَى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، يُرِيدُ عَائِشَةَ، وَ كُنَّا تَحَدَّثْنَا أَنَّ غَسَّانَ تُنْعِلُ النِّعَالَ لِغَزْوِنَا فَنَزَلَ صَاحِبِي يَوْمَ نَوْبَتِهِ فَرَجَعَ عِشَاءً فَضَرَبَ بَابِي ضَرْبًا شَدِيدًا، وَ قَالَ: أَنَائِمٌ هُوَ ؟ فَفَزِعْتُ فَخَرَجْتُ إِلَيْهِ وَ قَالَ: حَدَثَ

prepared to invade us. My companion went (to the Prophet ﷺ) on his turn, and came back at night to knock at my door violently, asking, whether I was sleeping. I was scared (by the hard knocking) and went out. He said that a great thing had happened. I asked him whether Ghassān had attacked us. He replied that it was worse and more serious than that, and added that Allāh's Apostle ﷺ had divorced all his wives. I said, 'May Ḥafṣa be ruined and disappointed! I expected that would happen some day.' I put on my clothes and prayed the Fajr prayer in the company of the Prophet ﷺ. The Prophet ﷺ entered an upper room and stayed there alone. I went to Ḥafṣa and found her weeping. I asked her, 'Why are you weeping? Didn't I warn you? Have Allāh's Apostle ﷺ divorced you all'? She replied, 'I don't know. He is there in the upper room.' I then went out and came to the pulpit and found a group of people around it and some of them were weeping, so I sat with them for some time, then my desire to know the truth urged me to go the room where the Prophet ﷺ was staying. I then requested the negro slave of the Prophet ﷺ to take Allāh's Apostle's permission to let me in. He went in and talked to the Prophet ﷺ and came out and said, 'I mentioned you to him but he did not reply.' So, I went and sat with the people who were sitting by the pulpit, but I could not help going to the slave again and ask him to

أَمْرٌ عَظِيمٌ، قُلْتُ: ما هُوَ؟ أَجاءَتْ غَسَّانُ؟ قالَ: لا، بَلْ أَعْظَمُ مِنْهُ وأَطْوَلُ، طَلَّقَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم نساءَهُ. قالَ: قَدْ خابَتْ حَفْصَةُ و خَسِرَتْ، كُنْتُ أَظُنُّ أَنَّ هذَا يُوشِكُ أَنْ يَكُونَ فَجَمَعْتُ عَلَيَّ ثِيابى فَصَلَّيْتُ صَلاةَ الفَجْرِ مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم فَدَخَلَ مَشْرُبَةً لهُ فاعْتَزَلَ فِيها، فَدَخَلْتُ عَلى حَفْصَةَ، فإِذَا هِىَ تَبْكِى، قُلْتُ: ما يُبْكِيكِ؟ أَوَلَمْ أَكُنْ حذَّرْتُكِ؟ أَطَلَّقَكُنَّ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم؟ قالَتْ: لا أَدْرِى، هُوَ ذَا فى المَشْرُبَةِ. فَخَرَجْتُ فَجِئْتُ المِنْبَرَ فإِذَا حَوْلَهُ رَهْطٌ يَبْكِى بَعْضُهُمْ فَجَلَسْتُ مَعَهُمْ قَلِيلاً، ثُمَّ غَلَبَنِى ما أَجِدُ فَجِئْتُ المَشْرُبَةَ الَّتى هُوَ فِيها فَقُلْتُ لِغلامٍ لَهُ أَسْوَدَ: اسْتَأْذِنْ لِعُمَرَ. فَدَخَلَ فَكَلَّمَ النَّبِىَّ صلى اللهُ عليهِ وسلَّم ثُمَّ خَرَجَ فَقالَ: ذَكَرْتُكَ لَهُ فَصَمَتَ. فانْصَرَفْتُ حَتَّى جَلَسْتُ مَعَ الرَّهْطِ الَّذِينَ عِنْدَ المِنْبَرِ. ثُمَّ غَلَبَنِى ما أَجِدُ فَجِئْتُ فَذَكَرَ مِثْلَهُ، فَجَلَسْتُ مَعَ الرَّهْطِ الَّذِينَ عِنْدَ المِنْبَرِ ثُمَّ غَلَبَنِى ما أَجِدُ فَجِئْتُ الغُلامَ فَقُلْتُ أَسْتَأْذِنْ لِعُمَرَ فَذَكَرَ مِثْلَهُ: فَلَمَّا وَلَّيْتُ مُنْصَرِفًا فإِذَا الغُلامُ يَدْعُونى قالَ: أَذِنَ لَكَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم،

take the Prophet's permission to let me in. He went in and brought the same reply as before. While I was leaving, the slave called me and said, 'Allāh's Apostle ﷺ has granted you permission.' So, I went to the Prophet ﷺ and saw him lying on a mat without bedding on it, and the mat had left its mark on the body of the Phophet ﷺ, and he was leaning on a leather pillow stuffed with palm fibres. I greeted him and said while still standing, 'Have you divorced your wives?' He raised his eyes to me and replied in the negative. I stayed standing, wondering whether I should say something to please him. I said, 'O Allāh's Apostle! Allow me to talk. We, the people of Quraish used to have the upperhand over our wives, and when we came to the people whose women had the upperhand over them, ... '" 'Umar told the whole story (about his wife). "On that the Prophet ﷺ smiled." 'Umar further said, "I then said, 'I went to Hafsa and advised her not to be misled (by 'Aisha's behaviour) as she was more beautiful and was more beloved by the Prophet ﷺ.' The Prophet ﷺ smiled again. When I saw him smiling, I sat down and cast a glance at the room, and by Allāh, I could see nothing but three hides. I said, 'Will you invoke Allāh to make your people prosperous as the Persians and the Bysantines have been made prosperous and given worldly luxuries, though they do not worship Allāh?' The Prophet ﷺ was leaning then (and on hearing my speech he

فَدَخَلْتُ عَلَيْهِ، فَإِذَا هُوَ مُضْطَجِعٌ عَلَى رِمَالِ حَصِيرٍ لَيْسَ بَيْنَهُ وَبَيْنَهُ فِرَاشٌ، قَدْ أَثَّرَ الرِّمَالُ بِجَنْبِهِ. مُتَّكِئٌ عَلَى وِسَادَةٍ مِنْ أَدَمٍ حَشْوُهَا لِيفٌ فَسَلَّمْتُ عَلَيْهِ، ثُمَّ قُلْتُ وَأَنَا قَائِمٌ: طَلَّقْتَ نِسَاءَكَ؟ فَرَفَعَ بَصَرَهُ إِلَيَّ، فَقَالَ: لَا ثُمَّ قُلْتُ وَأَنَا قَائِمٌ أَسْتَأْنِسُ يَا رَسُولَ اللهِ: لَوْ رَأَيْتَنِى وَكُنَّا مَعْشَرَ قُرَيْشٍ نَغْلِبُ النِّسَاءَ، فَلَمَّا قَدِمْنَا عَلَى قَوْمٍ تَغْلِبُهُمْ نِسَاؤُهُمْ فَذَكَرَهُ فَتَبَسَّمَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم. ثُمَّ قُلْتُ: لَوْ رَأَيْتَنِى وَدَخَلْتُ عَلَى حَفْصَةَ فَقُلْتُ لَا يَغُرَّنَّكِ أَنْ كَانَتْ جَارَتُكِ هِىَ أَوْضَأَ مِنْكِ وَأَحَبَّ إِلَى النَّبِىِّ صلى اللهُ عليهِ وسلَّم، يُرِيدُ عَائِشَةَ، فَتَبَسَّمَ أُخْرَى. فَجَلَسْتُ حِينَ رَأَيْتُهُ تَبَسَّمَ ثُمَّ رَفَعْتُ بَصَرِى فِى بَيْتِهِ فَوَاللهِ مَا رَأَيْتُ فِيهِ شَيْئًا يَرُدُّ الْبَصَرَ غَيْرَ أَهَبَةٍ ثَلَاثٍ، فَقُلْتُ: ادْعُ اللهَ فَلْيُوَسِّعْ عَلَى أُمَّتِكَ، فَإِنَّ فَارِسَ وَالرُّومَ وُسِّعَ عَلَيْهِمْ وَأُعْطُوا الدُّنْيَا وَهُمْ لَا يَعْبُدُونَ اللهَ. وَكَانَ مُتَّكِئًا فَقَالَ: أَوَفِى شَكٍّ أَنْتَ يَا ابْنَ الْخَطَّابِ؟ أُولَئِكَ قَوْمٌ عُجِّلَتْ لَهُمْ طَيِّبَاتُهُمْ فِى الْحَيَاةِ الدُّنْيَا. فَقُلْتُ: يَا رَسُولَ اللهِ، اسْتَغْفِرْ لِى، فَاعْتَزَلَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم مِنْ أَجْلِ ذَلِكَ الْحَدِيثِ حِينَ أَفْشَتْهُ حَفْصَةُ إِلَى عَائِشَةَ وَكَانَ

sat straight) and said, ' O Ibn Al-Khattāb! Do you have any doubt (that the Hereafter is better than this world)? These people are given the rewards of their good deeds in this world only.' I asked the Prophet ﷺ, 'Please ask Allāh's forgiveness for me.' The Prophet ﷺ did not go to his wives because of the secret which Ḥafṣa had disclosed to ʿĀisha,(1) and he said that he would not go to his wives for one month as he was very angry with them when Allāh admonished him (for his oath that he would not approach Māria). When twenty-nine days had passed, the Prophet ﷺ went to ʿĀisha first of all. She said to him, ' You took an oath that you would not come to us for one month, and today only twenty-nine days have passed, as I have been counting them day by day.' The Prophet ﷺ said, ' The month is also of twenty-nine days.' That month consisted of twenty-nine days. ʿĀisha said, ' When the Divine revelation of Choice was revealed, the Prophet ﷺ started with me, saying to me, ' I am telling you something, but you need n't hurry to give the reply as you can consult your parents.' "

قَدْ قالَ: ما أنا بِداخِلٍ عَلَيهِنَّ شَهْرًا مِنْ شِدَّةِ مَوْجِدَتِهِ عَلَيهِنَّ حِينَ عاتَبَهُ اللهُ، فَلَمَّا مَضَتْ تِسْعٌ و عِشْرُونَ دَخَلَ عَلى عائِشَةَ فَبَدَأَ بِها فَقالَتْ لَهُ عائِشَةُ: إنَّكَ أقْسَمْتَ أنْ لا تَدْخُلَ عَلَيْنا شَهْرًا و إنَّا أصْبَحْنا لِتِسْعٍ و عِشْرِينَ لَيلَةً أعُدُّها عَدًّا. فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: الشَّهْرُ تِسْعٌ و عِشْرُونَ، و كانَ ذلكَ الشَّهْرُ تِسْعٌ و عِشْرُونَ. قالَتْ عائِشَةُ: فأُنْزِلَتْ آيَةُ التَّخْيِيرِ فَبَدَأَ بي أوَّلَ امْرَأةٍ فَقالَ إنِّي ذاكِرٌ لَكِ أمْرًا ولا عَلَيكِ أنْ لا تَعْجَلي حتَّى تَسْتأمِرِي أبَوَيْكِ. قالَتْ: قَدْ أعْلَمُ أنَّ أبَوَيَّ لمْ يَكُونا يأمُرَاني بِفِراقِكَ. ثُمَّ قالَ: إنَّ اللهَ قالَ - يا أيُّها النَّبِيُّ قُلْ لأزْواجِكَ - إلى قَوْلِهِ عَظِيماً. قُلْتُ: أفي هذا أسْتَأمِرُ أبَوَيَّ؟ فإنِّي أُرِيدُ اللهَ ورَسُولَهُ والدَّارَ الآخِرَةَ. ثُمَّ خَيَّرَ نِساءَه فقُلْنَ مِثْلَ ما قالَتْ عائِشَةُ.

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(1) The Prophet ﷺ was alone with Māria on the day that was devoted to ʿĀisha. When Ḥafṣa learned, that the Prophet ﷺ told her to keep that as a secret and promised that he would not come near Māria. But Ḥafṣa disclosed the secret to ʿĀisha who got angry and then provoked the Prophet ﷺ who took an oath that he would desert her for one month. (Ibid. p. 273)

ʿAisha knew that her parents would not advise her to part with the Prophet ﷺ. The Prophet ﷺ said that Allāh had said :—

> 'O Prophet ! Say
> To your wives ;
> (If it be that you desire
> The life of this world
> And its glitter, ... then come !
> I will provide for your
> Enjoyment and set you free
> In a handsome manner.
> But if you seek Allāh
> And His Apostle, and
> The Home of the Hereafter,
> Verily, Allāh has prepared
> For the well-doers amongst you)
> A great reward.' (33 : 28)

ʿAisha said, 'Am I to consult my parents about this? I indeed prefer Allāh, His Apostle ﷺ, and the Home of the Hereafter.' After that the Prophet ﷺ gave the choice to his other wives and they also gave the same reply as ʿAisha did."

649. Narrated Anas رضي الله عنه : Allāh's Apostle ﷺ took an oath that he would not go to his wives for one month as his foot had been sprained. He stayed in an upper room when ʿUmar went to him and said, " Have you divorced your wives?" He said, " No, but I have taken an oath that I would not go to them for one month." The Prophet ﷺ stayed there for twenty-nine days, and then came down and went to his wives.

٦٤٩ - حَدَّثَنَا ابنُ سَلَامٍ: أَخْبَرَنَا
الفَزَارِيُّ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ
أَنَسٍ رَضِيَ اللهُ عَنْهُ قَالَ: آلَى رَسُولُ
اللهِ صلى اللهُ عليهِ وسلَّمَ مِنْ نِسائِهِ شَهْرًا
و كانَتِ انْفَكَّتْ قَدَمُهُ فَجَلَسَ فى
عُلِّيَّةٍ لهُ فَجاءَ عُمَرُ فَقالَ: أَطَلَّقْتَ
نِساءَكَ؟ قالَ: لا، ولَكِنِّى آلَيْتُ مِنْهُنَّ
شَهْرًا. فَمَكَثَ تِسْعًا و عِشْرِينَ ثُمَّ
نَزَلَ فَدَخَلَ عَلَى نِسائِهِ.

CHAPTER. Tying of camels at the pavement (at the gate of the mosque) or at the gate of the mosque.

بَابُ مَنْ عَقَلَ بَعِيرَهُ عَلَى البَلَاطِ أَوْ بَابِ المَسْجِدِ .

650. Narrated Jābir ؓ: 'The Prophet ﷺ entered the Mosque, and I too went there after tying the camel at the pavement at the gate of the Mosque. I said (to the Prophet ﷺ), "This is your camel." He went out and came near the camel examining it and said, "Both the camel and its price are for you."

٦٥٠ - حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا أَبُو عَقِيلٍ: حَدَّثَنَا أَبُو المُتَوَكِّلِ النَّاجِيُّ قَالَ: أَتَيْتُ جَابِرَ بْنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا قَالَ: دَخَلَ النَّبِيُّ صلى الله عليه وسلَّم المَسْجِدَ فَدَخَلْتُ إِلَيْهِ وَعَقَلْتُ الجَمَلَ فى نَاحِيَةِ البَلَاطِ فَقُلْتُ: هذَا جَمَلُكَ، فَخَرَجَ فَجَعَلَ يُطِيفُ بِالجَمَلِ، قَالَ: الثَّمَنُ وَالجَمَلُ لَكَ .

CHAPTER. Standing and urinating at the dumps of some people.

بَابُ الوُقُوفِ وَالبَوْلِ عِنْدَ سُبَاطَةِ قَوْمٍ .

651. Narrated Hudhaifa ؓ: I saw Allāh's Apostle ﷺ coming (or the Prophet ﷺ came) to the dumps of some people and urinated while standing.

٦٥١ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ، عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، عَنْ أَبِي وَائِلٍ، عَنْ حُذَيْفَةَ رَضِيَ اللهُ عَنْهُ قَالَ: لَقَدْ رَأَيْتُ رَسُولَ اللهِ صلى الله عليه وسلَّم أَوْ قَالَ لَقَدْ أَتَى النَّبِيُّ صلى الله عليه وسلَّم سُبَاطَةَ قَوْمٍ فَبَالَ قَائِمًا.

CHAPTER. (The reward of him) who removes a branch of a tree or any other thing which harms the people from the way.

بَابُ مَنْ أَخَذَ الغُصْنَ وَمَا يُؤْذِي النَّاسَ فى الطَّرِيقِ فَرَمَى بِهِ .

652. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, "While a man was on the way, he found a thorny branch there and picked it up. Allāh thanked him for that deed and forgave him."

٦٥٢ - حَدَّثَنَا عَبْدُ اللهِ، أَخْبَرَنَا مَالِكٌ، عَنْ سُمَيٍّ، عَنْ أَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قَالَ: بَيْنَمَا رَجُلٌ

يَمْشِي بِطَرِيقٍ وَجَدَ غُصْنَ شَوْكٍ عَلَى الطَّرِيقِ فَأَخَذَهُ فَشَكَرَ اللهُ لَهُ فَغَفَرَ لَهُ .

CHAPTER. When there is a dispute about a public way and the owner of the land wishes to build something, he should leave seven cubits for the people to pass through.

باب ـ إذَا اخْتَلَفُوا فِى الطَّرِيقِ المِيتاءِ ، وهِىَ الرَّحْبَةُ تَكُونُ بَيْنَ الطَّرِيقِ . ثُمَّ يُرِيدُ أَهْلُهَا البُنْيَانَ فَتَرَكَ مِنْهَا لِلطَّرِيقِ سَبْعَةُ أَذْرُعٍ .

654. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ judged that seven cubits should be left as a public way when there was a dispute about the land.

٦٥٣ ـ حدَّثَنا مُوسَى بنُ إسمَاعِيلَ : حدَّثَنا جَرِيرُ بنُ حازِمٍ ، عَنِ الزُّبَيْرِ بنِ خِرِّيتٍ ، عَنْ عِكْرِمَةَ ، سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ : قَضَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم إذَا تَشاجَرُوا فى الطَّرِيقِ المِيتاءِ بِسَبْعَةِ أَذْرُعٍ .

CHAPTER. Taking away somebody's property publicly without his permission.

ʿUbāda said, "We gave the solemn pledge to the Prophet ﷺ that we would not take away what belongs to others without their permission."

باب النُّهْبَى بِغَيْرِ إذْنِ صَاحِبِه . وقالَ عُبادَةُ : بايَعْنا النَّبِيَّ صلى اللهُ عليهِ وسلَّم عَلَى أنْ لا نَنْتَهِبَ .

654. Narrated ʿAbdullāh bin Yazīd Al-Anṣārī: The Prophet ﷺ forbade taking away what belongs to others without their permission, and forbade mutilation or maiming of bodies.

٦٥٤ ـ حدَّثَنا آدَمُ بنُ أبي إياسٍ : حدَّثَنا شُعْبَةُ : حدَّثَنا عَدِيُّ بنُ ثابتٍ : سَمِعْتُ عَبْدَ اللهِ بنَ يَزِيدَ الأنْصارِىَّ وهُوَ جَدُّهُ أبُو أُمِّهِ قالَ : نَهَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَنِ النُّهْبَى والمُثْلَةِ .

655. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "An adulterer has no (perfect) faith while committing

٦٥٥ ـ حدَّثَنا سَعِيدُ بنُ عُفَيْرٍ قالَ : حدَّثَنِي اللَّيْثُ : حدَّثَنا عُقَيْلٌ ، عَنِ ابنِ

illegal sexual intercourse, one has no (perfect) faith while drinking wine, one has no (perfect) faith while stealing; and one has no (perfect) faith when he carries away what belongs to others while people are watching him when he does so."

شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: لاَ يَزْنِي الزَّانِي حِينَ يَزْنِي وَ هُوَ مُؤْمِنٌ، وَلاَ يَشْرَبُ الخَمْرَ حِينَ يَشْرَبُ وَ هُوَ مُؤْمِنٌ، وَلاَ يَسْرِقُ حِينَ يَسْرِقُ وَ هُوَ مُؤْمِنٌ، وَلاَ يَنْتَهِبُ نُهْبَةً يَرْفَعُ النَّاسُ إِلَيْهِ فِيهَا أَبْصَارَهُمْ حِينَ يَنْتَهِبُهَا وَ هُوَ مُؤْمِنٌ. وَ عَنْ سَعِيدٍ وَ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم مِثْلَهُ إِلاَّ النُّهْبَةَ. قَالَ الفِرَبْرِيُّ. وَجَدْتُ بِخَطِّ أَبِي جَعْفَرٍ: قَالَ أَبُو عَبْدِ اللهِ تَفْسِيرُهُ أَنْ يَنْزِعَ مِنْهُ، يُرِيدُ الإِيمَانَ.

CHAPTER. The breaking of the cross and the killing of the pigs.

بَابُ كَسْرِ الصَّلِيبِ وَ قَتْلِ الخِنْزِيرِ.

656. Narrated Abu Huraira رضي الله عنه : Allah's Apostle ﷺ said, "The Hour will not be established until the son of Mary (i. e. Jesus عليه السلام) descends amongst you as a just ruler who will break the cross, kill the pigs, and abolish the Jizya tax.(1) Money will be in abundance so that nobody will accept it."

٦٥٦ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا الزُّهْرِيُّ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ المُسَيَّبِ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم قَالَ: لاَ تَقُومُ السَّاعَةُ حَتَّى يَنْزِلَ فِيكُمُ ابْنُ مَرْيَمَ

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(1) The Jizya tax imposed on non-Muslims who would keep their own religion rather than embrace Islam, will not be accepted by Jesus (Christ), but all people will be required to embrace Islam and no other alternative.

حَكَمًا مُقْسِطًا فَيَكْسِرَ الصَّلِيبَ وَيَقْتُلَ الخِنْزِيرَ وَيَضَعَ الجِزْيَةَ وَيَفِيضَ المَالُ حَتَّى لا يَقْبَلَهُ أَحَدٌ .

CHAPTER. (Is it permissible) to break the pots containing wine, or tear the leather containers holding wine? If one breaks an idol, a cross, or a drum (for amusement), or any other thing, the wood of which is useless (should one give a compensation)? A case of a drum broken by somebody was presented to Shuraiḥ who did not impose a compensation on the person who had broken it.

بَابٌ ـ هَلْ تُكْسَرُ الدِّنَانُ الَّتِي فِيهَا الخَمْرُ أَوْ تُخَرَّقُ الزِّقَاقُ ؟ فَإِنْ كَسَرَ صَنَمًا أَوْ صَلِيبًا أَوْ طُنْبُورًا أَوْ مَالاً يُنْتَفَعُ بِخَشَبِهِ . وَأُتِيَ شُرَيْحٌ فِي طُنْبُورٍ كُسِرَ فَلَمْ يَقْضِ فِيهِ بِشَيْءٍ .

657. Narrated Salama bin Al-Akwaʿ ؓ : On the day of Khaibar the Prophet ﷺ saw fires being lighted. He asked, "Why are these fires being lighted?" The people replied that they were cooking the meat of donkeys. He said, "Break the pots and throw away their contents." The people said, "Shall we throw away their contents and wash the pots (rather than break them)?" He said, "Wash them."

٦٥٧ ـ حَدَّثَنَا أَبُو عَاصِمٍ الضَّحَّاكُ ابْنُ مَخْلَدٍ ، عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ ، عَنْ سَلَمَةَ بْنِ الأَكْوَعِ رَضِيَ اللهُ عَنْهُ : أَنَّ النَّبِيَّ صلى الله عليه وسلم رَأَى نِيرَانًا تُوقَدُ يَوْمَ خَيْبَرَ . قَالَ : عَلامَ تُوقَدُ هٰذِهِ النِّيرَانُ ؟ قَالُوا : عَلَى الحُمُرِ الإِنْسِيَّةِ ، قَالَ : اكْسِرُوهَا وَأَهْرِقُوهَا ، قَالُوا : أَلا نُهَرِيقُهَا وَنَغْسِلُهَا ؟ قَالَ : اغْسِلُوا .

658. Narrated ʿAbdullāh bin Masʿūd ؓ : The Prophet ﷺ entered Mecca and (at that time) three-hundred-and-sixty idols were around the Kaʿba. He started stabbing the idols with a stick he had in his hand and reciting :

> "Truth has come and Falsehood has vanished." (17:81)

٦٥٨ ـ حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللهِ : حَدَّثَنَا سُفْيَانُ : حَدَّثَنَا ابْنُ أَبِي نَجِيحٍ ، عَنْ مُجَاهِدٍ ، عَنْ أَبِي مَعْمَرٍ ، عَنْ عَبْدِ اللهِ ابْنِ مَسْعُودٍ رَضِيَ اللهُ عَنْهُ قَالَ : دَخَلَ النَّبِيُّ صلى الله عليه وسلم مَكَّةَ وَحَوْلَ الكَعْبَةِ ثَلاثُمِائَةٍ وَسِتُّونَ نُصُبًا ، فَجَعَلَ يَطْعُنُهَا بِعُودٍ فِي يَدِهِ ، وَجَعَلَ

يَقُولُ - جاءَ الحَقُّ وَ زَهَقَ الباطِلُ - الآيَةَ .

659. Narrated Al-Qāsim from ʿĀisha ؓ that she hung a curtain decorated with pictures (of animates) on a cupboard. The Prophet ﷺ tore that curtain and she turned it into two cushions which remained in the house for the Prophet ﷺ to sit on.

٦٥٩ - حَدَّثَنِي إبْرَاهِيمُ بنُ المُنْذِرِ : حَدَّثَنا أنَسُ بنُ عِياضٍ ، عَنْ عُبَيْدِ اللهِ ، عَنْ عَبْدِ الرَّحْمَنِ بنِ القاسِمِ ، عَنْ أبِيهِ القاسِمِ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها : أنَّها كانَتِ اتَّخَذَتْ عَلَى سَهْوَةٍ لَها سِتْرًا فِيهِ تَماثِيلُ فَهَتَكَهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فاتَّخَذَتْ مِنْهُ نُمْرُقَتَيْنِ فَكانَتا فِي البَيْتِ يَجْلِسُ عَلَيْهِما .

CHAPTER. (What is said about) one who fights to protect his property ?

باب مَنْ قاتَلَ دُونَ مالِهِ .

660. Narrated ʿAbdullāh bin ʿAmr bin Al-ʿĀṣ ؓ : I heard the Prophet ﷺ saying, "Whoever is killed while protecting his property is a martyr."

٦٦٠ - حَدَّثَنا عَبْدُ اللهِ بنُ يَزِيدَ : حَدَّثَنا سَعِيدٌ هُوَ ابنُ أبِي أيُّوبَ قالَ : حَدَّثَنِي أبُو الأسْوَدِ ، عَنْ عِكْرِمَةَ ، عَنْ عَبْدِ اللهِ بنِ عَمْرٍو رَضِيَ اللهُ عَنْهُما قالَ : سَمِعْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم يَقُولُ : مَنْ قُتِلَ دُونَ مالِهِ فَهُوَ شَهِيدٌ .

CHAPTER. If a person breaks a wooden bowl or something else belonging to somebody, (should he give a compensation). ?

باب - إذا كَسَرَ قَصْعَةً أوْ شَيْئًا لِغَيْرِهِ .

661. Narrated Anas ؓ : While the Prophet ﷺ was with one of his wives, one of the mothers of the faithful believers (i. e. one of his wives) sent a wooden bowl containing food with a servant. The wife (in whose house he was

٦٦١ - حَدَّثَنا مُسَدَّدٌ : حَدَّثَنا يَحْيَى بنُ سَعِيدٍ ، عَنْ حُمَيْدٍ ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ : أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم كانَ عِنْدَ بَعْضِ نِسائِهِ ، فأرْسَلَتْ إحْدَى أُمَّهاتِ المُؤْمِنِينَ مَعَ

sitting) stroke the bowl with her hand and broke it. The Prophet ﷺ collected the shattered pieces and put the food back in it and said, "Eat." He kept the servant and the bowl till they had eaten the food. Then the Prophet ﷺ gave another unbroken bowl to the servant and kept the broken one.

خادِمٍ بِقَصْعَةٍ فِيها طَعامٌ فَضَرَبَتْ بِيَدِها فَكَسَرَتِ القَصْعَةَ فَضَمَّها و جَعَلَ فِيها الطَّعامَ. و قالَ: كُلُوا، و حَبَسَ الرَّسُولَ والقَصْعَةَ حتَّى فَرَغُوا فَدَفَعَ القَصْعَةَ الصَّحِيحَةَ و حَبَسَ المَكْسُورَةَ. و قالَ ابنُ أبى مَرْيَمَ: أخْبَرَنا يَحْيَى بنُ أيُّوبَ: حدَّثنا حُمَيْدٌ: حدَّثنا أنَسٌ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم.

CHAPTER. If one pulls down a wall, one should build a similar one in its place.

بابٌ - إذا هَدَمَ حائطا فَلْيَبْنِ مِثْلَهُ.

662. Narrated Abū Huraira رضي الله عنه: Allāh's Apostle ﷺ said, "An Israeli man named Juraij, was praying and his mother came and called him, but he did not reply. He wondered whether he should continue the prayer or reply to his mother. She came to him the second time and called him and said, "O Allāh! Do not let him die until he sees the faces of prostitutes." Juraij used to live in a hermitage. A woman said that she would entice Juraij, so she went to him and presented herself (for the bad act) but he refused. She went to a shepherd and allowed him to commit a sin with her and later she gave birth to a boy. She alleged that the male baby was from Juraij. The people went to Juraij

٦٦٢ - حدَّثنا مُسْلِمُ بنُ إبْراهِيمَ: حدَّثنا جَرِيرُ بنُ حازِمٍ، عَنْ مُحَمَّدِ بنِ سِيرِينَ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: كانَ رَجُلٌ فى بَنِى إسرائيل يُقالُ لَهُ جُرَيْجٌ يُصَلِّى فَجاءَتْهُ أُمُّهُ فَدَعَتْهُ فأبى أنْ يُجِيبَها فَقالَ: أُجِيبُها أوْ أُصَلِّى؟ ثُمَّ أتَتْهُ فَقالَتْ: اللَّهُمَّ لا تُمِتْهُ حتَّى تُرِيَهُ وُجُوهَ المُومِساتِ. و كانَ جُرَيْجٌ فى صَوْمَعَتِهِ فَقالَتِ امْرَأةٌ: لأَفْتِنَنَّ جُرَيْجا، فتَعَرَّضَتْ لَهُ فَكَلَّمَتْهُ فأبى، فأتَتْ راعِيا فأمْكَنَتْهُ مِنْ نَفْسِها فَوَلَدَتْ غُلاما فَقالَتْ هُوَ

and pulled down his hermitage, pulled him out of it and abused him. He performed ablution and offered the prayer, then he went to the male (baby) and asked him, "Who is your father ?" The male (baby) replied that his father was the shepherd. The people said that they would build for him his hermitage of gold but Juraij asked them to make it of mud only."

مِنْ جُرَيْجٍ. فَأَتَوْهُ وَكَسَرُوا صَوْمَعَتَهُ فَأَنْزَلُوهُ وَسَبُّوهُ، فَتَوَضَّأَ وَصَلَّى ثُمَّ أَتَى الغُلَامَ فَقَالَ: مَنْ أَبُوكَ يَا غُلَامُ؟ قَالَ: الرَّاعِي، قَالُوا: نَبْنِي صَوْمَعَتَكَ مِنْ ذَهَبٍ: قَالَ: لَا، إِلَّا مِنْ طِينٍ.

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF PARTNERSHIP

CHAPTER. About (sharing) meals and the Nahd (i. e. sharing the expenses of a journey of putting the journey food of the travellers together to be distributed among them in equal shares) and sharing other goods, and how to divide what can be measured or weighed i. e. without measuring or weighing it; or by measuring or weighing it.

Muslims see no harm in practising Nahd by which the partners eat part of the food each (without measuring or weighing it). And what about distributing gold and silver without weighing them, and about eating two dates at a time (when sharing a meal).

663. Narrated Wahb bin Kisān: Jābir bin ʿAbdullāh ؓ said, "Allāh's Apostle ﷺ sent an army towards the east coast and appointed Abū ʿUbaida bin Al-Jarrāḥ as their chief, and the army consisted of three-hundred men including myself. We marched on till we reached a place where our food was about to finish. Abū ʿUbaida ordered us to collect all the journey food and it was collected. My journey

بسم الله الرحمن الرحيم

كتاب الشركة

فى الطَّعامِ والنَّهْدِ والعُرُوضِ. وكَيْفَ قِسْمَةُ ما يُكالُ و يُوزَنُ مُجازَفَةً ، أوْ قَبْضَةً قَبْضَةً لمَّا لم يَرَ المُسْلِمُونَ فى النَّهْدِ بأسًا أنْ يأكُلَ هذَا بَعْضًا و هذَا بَعْضًا، و كذَلكَ مُجازَفَةَ الذَّهَبِ والفِضَّةِ ، والقِرانُ فى التَّمْرِ.

٦٦٣ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أخْبَرَنا مالكٌ ، عَنْ وَهْبِ بنِ كَيْسَانَ ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما أنَّهُ قالَ : بَعَثَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم بَعْثًا قِبَلَ السَّاحِلِ ، فأمَّرَ عَلَيْهِمْ أبا عُبَيْدَةَ بنَ الجرَّاحِ و هُمْ ثَلاثُمائَةٍ و أنا فِيهِمْ ، فخَرَجْنا حتَّى إذا كُنَّا بِبَعْضِ الطَّرِيقِ فَنِيَ الزَّادُ. فأمَرَ أبُو عُبَيْدَةَ

food was dates. Abū ʿUbaida used to give us small amounts to eat from it, till it was exhausted. The share of everyone of us used to be one date only." I said, "How could one date each satisfy you ?" Jābir replied, "We came to know its value when our food finished." Jābir added, "When we reached the sea-shore, we saw a huge fish which was like a small mountain. The army ate from it for eighteen days. Then Abū ʿUbaida ordered that two of its ribs be fixed and they were fixed in the ground. He then ordered that a she-camel be supplid with a Saddle and it passed under the two ribs (forming an arch) without touching them."

بِأَزْوَادِ ذَلِكَ الجَيْشِ فَجُمِعَ ذَلِكَ كُلُّهُ، فَكَانَ مِزْوَدَىْ تَمْرٍ. فَكَانَ يُقَوِّتُنَا كُلَّ يَوْمٍ قَلِيلاً قَلِيلاً حَتَّى فَنِىَ، فَلَمْ يَكُنْ يُصِيبُنَا إِلاَّ تَمْرَةٌ تَمْرَةٌ. فَقُلْتُ: وما تُغْنِى تَمْرَةٌ؟ فَقَالَ: لَقَدْ وَجَدْنَا فَقْدَهَا حِينَ فَنِيَتْ. قَالَ: ثُمَّ انْتَهَيْنا إلى البَحْرِ فإذا حُوتٌ مِثْلُ الظَّرِبِ فأَكَلَ مِنْهُ ذَلِكَ الجَيْشُ ثَمانِىَ عَشْرَةَ لَيْلَةً ثُمَّ أَمَرَ أَبُو عُبَيْدَةَ بِضِلَعَيْنِ مِنْ أَضْلاعِهِ فَنُصِبا ثُمَّ أَمَرَ بِرَاحِلَةٍ فَرُحِلَتْ ثُمَّ مَرَّتْ تَحْتَهُما فَلَمْ تُصِبْهُما.

664. Narrated Salama رضي الله عنه : Once the journey food diminished and the people were reduced to poverty. They went to the Prophet ﷺ and asked his permission to slaughter their camels, and he agreed. ʿUmar met them and they told him about it, and he said, "How would you survive after slaughtering your camels?" Then he went to the Prophet ﷺ and said, "O Allāh's Apostle ! How would they survive after slaughtering their camels?" Allāh's Apostle ﷺ ordered ʿUmar, "Call upon the people to bring what has remained of their food." A leather sheet was spread and all the journey food was collected and heaped over it. Allāh's Apostle ﷺ stood up and invoked Allah to bless it, and then directed all the people to come with their utensils, and they started taking from

٦٦٤ - حَدَّثَنَا بِشْرُ بْنُ مَرْحُومٍ: حَدَّثَنَا حاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ، عَنْ سَلَمَةَ رَضِىَ اللهُ عَنْهُ قال: خَفَّتْ أَزْوَادُ القَوْمِ وَأَمْلَقُوا فأَتَوُا النَّبِيَّ صلى اللهُ عليهِ وسلَّم في نَحْرِ إِبِلِهِمْ فأَذِنَ لَهُمْ، فَلَقِيَهُمْ عُمَرُ فأَخْبَرُوهُ فَقالَ: ما بَقاؤُكُمْ بَعْدَ إِبِلِكُمْ؟ فَدَخَلَ عَلَى النَّبِيِّ صلى اللهُ عليهِ وسلم فَقالَ: يا رَسُولَ اللهِ، ما بَقاؤُهُمْ بَعْدَ إِبِلِهِمْ؟ فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: نادِ في النَّاسِ يأْتُونَ بِفَضْلِ أَزْوادِهِمْ. فَبُسِطَ لِذَلِكَ نِطَعٌ وَجَعَلُوهُ عَلَى النِّطَعِ فَقامَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَدَعا وَبَرَّكَ عَلَيْهِ، ثُمَّ دَعاهُمْ بِأَوْعِيَتِهِمْ فاحْتَثَى

it till all of them got what was sufficient for them. Allāh's Apostle ﷺ then said, "I certify that None has the right to be worshipped but Allāh, and I am His Apostle."

665. Narrated Nāfi'bin Khadij رضي الله عنه : We used to offer the 'Aṣr prayer with the Prophet ﷺ and slaughter a camel the meat of which would be divided in ten parts. We would eat the cooked meat before sunset.

666. Narrated Abū Mūsā رضي الله عنه : The Prophet ﷺ said, "When the people of Ash'arī tribe ran short of food during the holy battles, or the food of their families in Medina ran short, they would collect all their remaining food in one sheet and then distribute it among themselves equally by measuring it with a bowl. So, these people are from me, and I am from them."

CHAPTER. Partners possessing joint property (sheep) have to pay its Zakāt equally. (1)

667. Narrated Anas that Abū Bakr As-Ṣiddīq wrote to him the law of Zakāt which was made obligatory by Allāh's Apostle ﷺ . He wrote: 'Partners

النَّاسِ حَتَّى فَرَغُوا ثُمَّ قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : أَشْهَدُ أَنْ لا إِلَهَ إِلاَّ اللهُ و أَنِّى رَسُولُ اللهِ .

٦٦٥ - حدَّثنا مُحَمَّدُ بنُ يُوسُفَ : حدَّثنا الأَوْزَاعِىُّ : حدَّثنا أَبُو النَّجَاشِىِّ قالَ : سَمِعْتُ رَافِعَ بنَ خَدِيجٍ رَضِىَ اللهُ عَنْهُ قالَ : كُنَّا نُصَلِّى مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم العَصْرَ فَنَنْحَرُ جَزُورًا ، فَتُقْسَمُ عَشْرَ قِسَمٍ ، فَنَأْكُلُ لَحْمًا نَضِيجًا قَبْلَ أَنْ تَغْرُبَ الشَّمْسُ .

٦٦٦ - حدَّثنا مُحَمَّدُ بنُ العَلاءِ : حدَّثنا حَمَّادُ بنُ أُسامَةَ ، عَنْ بُرَيْدٍ ، عَنْ أَبِى بُرْدَةَ ، عَنْ أَبِى مُوسَى قالَ : قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم : إِنَّ الأَشْعَرِيِّينَ إِذَا أَرْمَلُوا فى الغَزْوِ أَوْ قَلَّ طَعَامُ عِيالِهِمْ بالمَدِينَةِ جَمَعُوا ما كانَ عِنْدَهُمْ فى ثَوْبٍ واحدٍ ثُمَّ اقْتَسَمُوهُ بَيْنَهُمْ فى إِناءٍ واحدٍ بالسَّوِيَّةِ ، فَهُمْ مِنِّى و أَنا مِنْهُمْ .

باب ما كانَ مِنْ خَلِيطَيْنِ فإِنَّهُما يَتَرَاجَعانِ بَيْنَهُما بالسَّوِيَّةِ فى الصَّدَقَةِ .

٦٦٧ - حدَّثنا مُحَمَّدُ بنُ عَبْدِ اللهِ ابنِ المُثَنَّى قالَ : حدَّثَنِى أَبِى قالَ : حدَّثَنِى ثُمامَةُ بنُ عَبْدِ اللهِ بنِ أَنَسٍ : أَنَّ أَنَسًا

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(1) Equally means: As one owner as regards the Zakāt (of sheep).

possessing joint property (sheep) have to pay its Zakāt equally.

حَدَّثَهُ أنَّ أبا بَكْرٍ الصِّدِّيقَ رَضِيَ اللهُ
عَنْهُ كَتَبَ لَهُ فَرِيضَةَ الصَّدَقَةِ الَّتى
فَرَضَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم
قالَ : وما كانَ مِنْ خَلِيطَيْنِ فإنَّهُما
يَتَراجَعانِ بَيْنَهُما بالسَّوِيَّةِ .

CHAPTER. Division of sheep.

بابُ قِسْمَةِ الغَنَمِ .

668. Narrated ʿAbāya bin Rafāʿa bin Rāfiʿ bin Khadīj: My grandfather said, "We were in the company of the Prophet ﷺ at Dhul-Hulaifa. The people felt hungry and captured some camels and sheep (as booty). The Prophet ﷺ was behind the people. They hurried and slaughtered the animals and put their meat in pots and started cooking it. (When the Prophet ﷺ came) he ordered the pots to be upset(1) and then he distributed the animals (of the booty) regarding ten sheep as equal to one camel. One of the camels fled and the people followed it till they were exhausted. At that time there were few horses. A man threw an arrow at the camel, and Allāh stopped the camel with it. The Prophet ﷺ said, "Some of these animals are like wild animals, so if you lose control over one of these animals, treat it in this way (i. e. shoot it with an arrow)."

٦٦٨ ـ حدَّثَنا عَلِيُّ بنُ الحَكَمِ
الأنْصارِيُّ : حدَّثَنا أبُو عَوانَةَ ، عَنْ
سَعِيدِ بنِ مَسْرُوقٍ ، عَنْ عَبايَةَ بنِ رِفاعَةَ
ابنِ رافِعِ بنِ خَدِيجٍ ، عَنْ جَدِّهِ قالَ : كُنَّا
مَعَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم بِذِي الحُلَيْفَةِ .
فأصابَ النَّاسَ جُوعٌ فأصابُوا إبِلاً و غَنَماً .
قالَ : و كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم
فى أُخْرَياتِ القَوْمِ فَعَجِلُوا و ذَبَحُوا
و نَصَبُوا القُدُورَ ، فأمَرَ النَّبِيُّ صلى اللهُ
عليهِ وسلَّم بالقُدُورِ فأُكْفِئَتْ . ثُمَّ قَسَمَ
فَعَدَلَ عَشَرَةً مِنَ الغَنَمِ بِبَعِيرٍ فَنَدَّ
مِنْها بَعِيرٌ فَطَلَبُوهُ فأعْياهُمْ . و كانَ
فى القَوْمِ خَيْلٌ يَسِيرَةٌ فأهْوَى رَجُلٌ
مِنْهُمْ بِسَهْمٍ فَحَبَسَهُ اللهُ . ثُمَّ قالَ : إنَّ
لِهٰذِهِ البَهائِمِ أوابِدَ كأوابِدِ الوَحْشِ
فَما غَلَبَكُمْ مِنْها فاصْنَعُوا بِهِ هٰكَذا ،
فَقالَ جَدِّى : إنَّا نَرْجُوا أوْ نَخافُ العَدُوَّ

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(1) The Prophet ﷺ did not agree to their slaughtering the animals of the booty before distributing them among the soldiers.

My grandfather said, "We may meet the enemies in the future and have no knives; can we slaughter the animals with reeds?" The Prophet ﷺ said, "Use whatever causes blood to flow, and eat the animals if the name of Allāh has been mentioned on slaughtering them. Do not slaughter with teeth or fingernails. I am telling you why: It is because teeth are bones (i.e. cannot cut properly) and fingernails are the tools used by the Ethiopians (whom we should not imitate for they are infidels)."

غَدًا و لَيْسَتْ مَعَنَا مُدًى ، أفَنَذْبَحُ بالقَصَبِ ؟ قالَ : ما أنْهَرَ الدَّمَ ، و ذُكِرَ اسْمُ اللهِ عَلَيْهِ فَكُلُوهُ ، لَيْسَ السِّنَّ و الظُّفُرَ ، و سَأُحَدِّثُكُمْ عَنْ ذَلِكَ . أمَّا السِّنُّ فَعَظْمٌ و أمَّا الظُّفُرُ فمُدَى الحَبَشَةِ .

CHAPTER. A partner sharing a meal should not eat two dates at a time unless he gets the permission of his partner.

بابُ القِرَانِ فى التَّمْرِ بَيْنَ الشُّرَكَاءِ حتَّى يَسْتَأْذِنَ أصحَابَهُ .

669. Narrated Ibn ʿUmar ؓ: The Prophet ﷺ decreed that one should not eat two dates together at a time unless he gets the permission from his companions (sharing the meal with him).

٦٦٩ ـ حدَّثَنا خَلادُ بنُ يَحْيَى : حدَّثَنا سُفْيانُ : حدَّثَنا جَبَلَةُ بنُ سُحَيْمٍ قالَ : سَمِعْتُ ابنَ عُمَرَ رَضِىَ اللهُ عَنْهُما يَقُولُ : نَهَى النَّبِىُّ صلى اللهُ عليه وسلَّم أنْ يَقْرُنَ الرَّجُلُ بَيْنَ التَّمْرَتَيْنِ جَمِيعًا حتَّى يَسْتَأْذِنَ أصْحابَهُ .

670. Narrated Jabala: We were in Medīna and famine broke out. Ibn Az-Zubair used to give us dates to eat. Ibn ʿUmar used to pass by us and say, "Don't eat two dates together as the Prophet ﷺ has forbidden eating two dates together unless one takes the permission of his brother."

٦٧٠ ـ حدَّثَنا أبُو الوَلِيدِ : حدَّثَنا شُعْبَةُ عَنْ جَبَلَةَ قالَ : كُنَّا بالمَدِينَةِ فأصَابَتْنا سَنَةٌ فَكانَ ابنُ الزُّبَيرِ يَرْزُقُنا التَّمْرَ . و كانَ ابنُ عُمَرَ يَمُرُّ بِنا فيَقُولُ لا تَقْرُنُوا فإنَّ النَّبِىَّ صلى اللهُ عليه وسلَّم نَهَى عَنِ الإقْرَانِ إلاَّ أنْ يَسْتَأْذِنَ الرَّجُلُ مِنْكُمْ أخاهُ .

CHAPTER. To get a joint property evaluated with an edequate price.

بابُ تَقْوِيمِ الأَشْياءِ بَيْنَ الشُّرَكاءِ بِقِيمَةِ عَدْلٍ .

671. Narrated Nāfi‘: Ibn ‘Umar رضي الله عنهما said, "Allāh's Apostle ﷺ said, 'If one manumits his share of a jointly possessed slave, and can afford the price of the other shares according to the adequate price of the slave, the slave will be completely manumitted; otherwise he will be partially manumitted.'"

(Aiyūb, a sub-narrator is not sure whether the saying "...otherwise he will be partially manumitted" was said by Nāfi‘ or the Prophet ﷺ.)

٦٧١ ـ حدَّثَنا عِمْرانُ بنُ مَيْسَرَةَ : حدَّثَنا عَبْدُ الوَارِثِ : حدَّثَنا أَيُّوبُ ، عَنْ نافِعٍ ، عَنِ ابنِ عُمَرَ رَضِيَ اللهَ عَنْهُما قالَ : قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : مَنْ أَعْتَقَ شِقْصاً لَهُ مِنْ عَبْدٍ أو شِرْكاً أَوْ قالَ نَصِيباً و كانَ لَهُ ما يَبْلُغُ ثَمَنَهُ بِقِيمَةِ العَدْلِ فَهُوَ عَتِيقٌ و إلاَّ فَقَدْ عَتَقَ مِنْهُ ما عَتَقَ . قالَ : لا أَدْرِي قَوْلُهُ عَتَقَ مِنْهُ ما عَتَقَ قَوْلٌ مِنْ نافِعٍ أَوْ فِي الحَدِيثِ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم ؟ .

672. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is imperative for him to get that slave manumitted completely by paying the remaining price, and if he does not have sufficient money to manumit him, then the price of the slave should be estimated justly, and he is to be allowed to work and earn what he will manumit himself without overburdening him with work."

٦٧٢ ـ حدَّثَنا بِشْرُ بنُ مُحَمَّدٍ : أَخْبَرَنا عَبْدُ اللهِ : أَخْبَرَنا سَعِيدُ بنُ أَبي عَرُوبَةَ ، عَنْ قَتادَةَ ، عَنِ النَّضْرِ بنِ أَنَسٍ ، عَنْ بَشِيرِ بنِ نَهِيكٍ ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : مَنْ أَعْتَقَ شَقِيصاً مِنْ مَمْلُوكِهِ فَعَلَيْهِ خَلاصُهُ فِي مالِهِ . فإنْ لمْ يَكُنْ لَهُ مالٌ قُوِّمَ المَمْلُوكُ قِيمَةَ عَدْلٍ ، ثُمَّ اسْتُسْعِيَ غَيْرَ مَشْقُوقٍ عَلَيْهِ .

CHAPTER. Can one draw lots for divisions and shares?

بابٌ ـ هَلْ يُقْرَعُ فِي القِسْمَةِ والاسْتِهامِ فِيهِ ؟ .

673. Narrated An-Nu'mān bin Bashīr رضي الله عنهما : The Prophet ﷺ said, "The example of the person abiding by Allāh's orders and restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a boat. Some of them got seats in the upper part, and the others in the lower. When the latter needed water, they had to go up to bring water (and that troubled the others), so they said, 'Let us make a hole in our share of the ship (and get water) saving those who are above us the trouble.' So, if the people in the upper part left the others do what they had suggested, all the people of the ship would be ruined, but if they prevented them, both parties would be safe."

٦٧٣ - حدَّثنا أبُو نُعَيمٍ: حدَّثنا زَكَرِيَّا قالَ سَمِعْتُ عامِرًا يَقُولُ: سَمِعْتُ النُّعْمانَ بنَ بَشِيرٍ رَضِىَ اللهُ عَنْهُما، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَ: مَثَلُ القائمِ عَلَى حُدُودِ اللهِ والواقِعِ فِيها كمَثَلِ قَوْمٍ استَهَمُوا عَلَى سَفِينَةٍ، فأصابَ بَعْضُهُمْ أعْلاهَا و بَعْضُهُمْ أسْفَلَها، فَكانَ الَّذِينَ فى أسْفَلِها إذَا استَقَوْا مِنَ الماءِ مَرُّوا عَلَى مَنْ فَوْقَهُمْ فَقالُوا: إنَّا خَرَقْنا فى نَصِيبِنا خَرْقًا ولَمْ نُؤْذِ مَنْ فَوْقَنا، فإنْ يَتْرُكُوهُمْ وَما أرَادوا هَلَكُوا جمِيعا، و إنْ أخَذُوا عَلَى أيْدِيهِمْ نَجَوْا و نَجَوْا جَمِيعا.

CHAPTER. The partnership of orphans and other inheritors.

بابُ شَرِكَةِ اليَتِيمِ و أهْلِ المِيرَاثِ.

674. Narrated 'Urwa bin Az-Zubair that he had asked 'Aisha رضي الله عنها about the meaning of the Statement of Allāh تعالى :—

> 'If you fear that you shall not
> Be able to deal justly
> With the orphans
> Marry women of your choice
> Two or three or four.' (4:3)

She said, "O my nephew! This is about the orphan girl who lives with her guardian and shares his property. Her wealth and beauty may tempt him to marry her without giving her an adequate Mahr (bridal-money) which might have been given by

٦٧٤ - حدَّثنا الأُوَيْسِىُّ: حدَّثنا إبْرَاهِيمُ بنُ سَعْدٍ، عَنْ صالِحٍ، عَنِ ابنِ شِهابٍ قالَ: أخْبرَنى عُرْوَةُ أنَّهُ سَألَ عائِشَةَ رَضِىَ اللهُ عَنْها. و قالَ اللَّيْثُ: حدَّثنى يُونُسُ عَنِ ابنِ شهابٍ قالَ: أخْبرَنى عُرْوَةُ بنُ الزُّبَيرِ أنَّهُ سَألَ عائِشَةَ رَضِىَ اللهُ عَنْها عَنْ قَوْلِ اللهِ تَعالى - فإنْ خِفْتُمْ أنْ لا تُقْسِطُوا - إلى قَوْلِهِ - و رُباعَ - فَقالَتْ: يا ابْنَ أُخْتِى، هِىَ اليَتِيمَةُ تَكُونُ فى حَجْرِ ولِيِّها تُشارِكُهُ فى مالِهِ فَيُعْجِبُهُ مالُها و

another suitor. So, such guardians were forbidden to marry such orphan girls unless they treated them justly and gave them the most suitable Mahr; otherwise they were ordered to marry any other woman.'' ʿĀisha further said, " After that verse the people again asked the Prophet ﷺ (about the marriage with orphan girls), so Allāh تعالى revealed the following verses :—

'They ask your instruction
Concerning the women.
Say: Allāh
Instructs you about them
And (remember) what is
Recited unto you
In the Book, concerning
The orphan girls to whom
You give not the portions
Prescribed, yet whom you
Desire to marry.........' '' (4:127)

What is meant by Allāh's saying :—

'And (remember) what is
Recited unto you'

is the former verse which goes :—

'If you fear that you shall not
Be able to deal justly
With the orphans,
Marry women of your choice.' (4:3)

ʿĀisha said, " Allāh's saying in the other verse :—

'Yet whom you desire to marry'

means the desire of the guardian to marry an orphan girl under his supervision when she has not much property or beauty (in

جَمالُها فَيُرِيدُ وَلِيُّها أنْ يَتَزَوَّجَها بِغَيْرِ أنْ يُقْسِطَ فى صَدَاقِها فَيُعْطِيَها مِثْلَ ما يُعْطِيها غَيْرُهُ، فَنُهُوا أنْ يَنْكِحُوهُنَّ إلاَّ أنْ يُقْسِطُوا لهُنَّ وَيَبْلُغُوا بِهِنَّ أعْلَى سُنَّتِهِنَّ مِنَ الصَّدَاقِ، وَأُمِرُوا أنْ يَنْكِحُوا ماطابَ لَهُمْ مِنَ النِّساءِ سِوَاهُنَّ. قالَ عُرْوَةُ: قالَتْ عائِشَةُ: ثُمَّ إنَّ النَّاسَ اسْتَفْتَوْا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم بَعْدَ هذِهِ الآيَةِ فأنْزَلَ اللهُ - وَيَسْتَفْتُونَكَ فى النِّساءِ - إلى قوْلِهِ - وَتَرْغَبُونَ أنْ تَنْكِحُوهُنَّ - والَّذِى ذَكَرَ اللهُ أنَّهُ يُتْلَى عَلَيْكُمْ فى الكِتابِ الآيَةِ الأُولى الَّتى قالَ فِيها - وإنْ خِفْتُمْ أنْ لا تُقْسِطُوا فى اليَتامى فانْكِحُوا ما طابَ لَكُمْ مِنَ النِّساءِ - قالَتْ عائِشَةُ: وَقَوْلُ اللهِ فى الآيَةِ الأُخْرَى - وَتَرْغَبُونَ أنْ تَنْكِحُوهُنَّ - هِيَ رَغْبَةُ أحَدِكُمْ يَتِيمَتَهُ الَّتى تَكُونُ فى حَجْرِهِ حِينَ تَكُونُ قَلِيلَةَ المَالِ والجَمالِ، فَنُهُوا أنْ يَنْكِحُوا ما رَغِبُوا فى مالِها وجَمالِها مِنْ يَتامَى النِّساءِ إلاَّ بالقِسْطِ مِنْ أجْلِ رَغْبَتِهِمْ عَنْهُنَّ.

which case he should treat her justly). The guardians were forbidden to marry their orphan girls with property and beauty without being just to them, as they generally refrain from marrying them (when they are neither beautiful nor wealthy)."

CHAPTER. Sharing land, etc.

بابُ الشَّرِكَةِ فى الأَرَضِينَ و غَيْرِها .

675. Narrated Jābir bin ʿAbdullāh رضي الله عنه : The Prophet ﷺ established the right of Shuʿfa (i. e. Pre-emption) in joint properties; but when the land is divided and the ways are demarcated, then there is no pre-emption.

٦٧٥ ـ حدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ : حدَّثَنا هِشامٌ : أخْبَرَنا مَعْمَرٌ ، عَنِ الزُّهْرِىِّ ، عَنْ أبى سَلَمَةَ ، عَنْ جابِرِ ابنِ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُما ، قالَ : إنَّما جَعَلَ النَّبِىُّ صلى اللهُ عليه وسلَّم الشُّفْعَةَ فى كُلِّ ما لمْ يُقْسَمْ . فإذَا وقَعَتِ الحُدُودُ و صُرِّفَتِ الطرُقُ فَلا شُفْعَةَ .

CHAPTER. If partners divide the houses, etc., none of them has the right of backing out or the right of pre-emption.

بابٌ ـ إذَا قَسَمَ الشُّرَكاءُ الدُّورَ و غَيْرَها فَلَيْسَ لهُمْ رُجُوعٌ ولا شُفْعَةٌ .

676. Narrated Jābir bin ʿAbdullāh رضي الله عنهما : The Prophet ﷺ said, "The right of pre-emption is valid in every joint property, but when the land is divided and the way is demarcated, then there is no right of pre-emption."

٦٧٦ ـ حدَّثَنا مُسَدَّدٌ : حدَّثَنا عَبْدُ الواحِدِ : حدَّثَنا مَعْمَرٌ ، عَنِ الزُّهْرِىِّ ، عَنْ أبى سَلَمَةَ ، عَنْ جابِرِ ابنِ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُما قالَ : قَضَى النَّبِىُّ صلى اللهُ عليه وسلَّم بالشُّفْعَةِ فى كُلِّ ما لمْ يُقْسَمْ ، فإذَا وقَعَتِ الحُدُودُ و صُرِّفَتِ الطُّرُقُ فَلا شُفْعَةَ .

CHAPTER. Sharing gold, silver and other articles used in money exchange.

بابُ الاشْتِراكِ فى الذَّهَبِ والفِضَّةِ وما يَكُونُ فيهِ الصَّرْفُ .

677. Narrated Sulaimān bin Abū Muslim: I asked Abū Minhāl about money exchange from hand to hand. He said, "I and a partner of mine bought something partly in cash and partly on credit." Al-Barā' bin ʿAzib passed by us and we asked about it. He replied, "I and my partner Zaid bin Al-Arqam did the same and then went to the Prophet ﷺ and asked him about it. He said, 'Take what was from hand to hand and leave what was on credit.'"

CHAPTER. Partnership with the people of the Book and the pagans in share-cropping.

678. Narrated ʿAbdullāh رضي الله عنه: Allāh's Apostle ﷺ rented the land of Khaibar to the Jews on the condition that they would work on it and cultivate it and take half of its yield.

CHAPTER. Distribution of sheep and dividing them justly.

679. Narrated ʿUqba bin ʿAmir رضي الله عنه that Allāh's Apostle ﷺ gave him some sheep to distribute among his companions to sacrifice them and a kid was left. He told the Prophet ﷺ about it and the

٦٧٧ - حَدَّثَنِى عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ عُثْمَانَ يَعْنِى ابْنَ الأَسْوَدِ قَالَ: أَخْبَرَنِى سُلَيْمَانُ بْنُ أَبِى مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا الْمِنْهَالِ عَنِ الصَّرْفِ يَدًا بِيَدٍ فَقَالَ: اشْتَرَيْتُ أَنَا وَ شَرِيكٌ لِى شَيْئًا يَدًا بِيَدٍ وَ نَسِيئَةً، فَجَاءَنَا الْبَرَاءُ بْنُ عَازِبٍ فَسَأَلْنَاهُ فَقَالَ: فَعَلْتُ أَنَا وَ شَرِيكِى زَيْدُ بْنُ أَرْقَمَ وَ سَأَلْنَا النَّبِىَّ صلى اللهُ عليهِ وسلَّم عَنْ ذَلِكَ، فَقَالَ: مَا كَانَ يَدًا بِيَدٍ فَخُذُوهُ، وَمَا كَانَ نَسِيئَةً فَذَرُوهُ.

بَابُ مُشَارَكَةِ الذِّمِّىِّ وَالْمُشْرِكِينَ فِى الْمُزَارَعَةِ.

٦٧٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ بْنُ أَسْمَاءَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُ قَالَ: أَعْطَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم خَيْبَرَ الْيَهُودَ أَنْ يَعْمَلُوهَا وَ يَزْرَعُوهَا وَلَهُمْ شَطْرُ مَا يَخْرُجُ مِنْهَا.

بَابُ قَسْمِ الْغَنَمِ وَالْعَدْلِ فِيهَا.

٦٧٩ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ، عَنْ يَزِيدَ بْنِ أَبِى حَبِيبٍ، عَنْ أَبِى الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِىَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ صلى اللهُ

Prophet ﷺ said to him, "Sacrifice it on your behalf."

عليهِ وسلَّم أعْطاهُ غَنَمًا يَقْسِمُها علَى صَحابَتِهِ ضَحايا فَبَقِيَ عَتُودٌ فذَكرَهُ لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: ضَحِّ بهِ أنْتَ.

CHAPTER. The sharing of food, etc.

It is said that a man offered some price for something and another man signalled to him to buy it. When ʿUmar noticed that, he considered the second man as a partner of the first.

بابُ الشَّرِكَةِ فى الطَّعامِ وغيرِهِ.

ويُذْكَرُ أنَّ رَجُلًا ساوَمَ شَيْئًا فغَمَزَهُ آخَرُ فرَأى عُمَرُ أنَّ لَهُ شَرِكَةً.

680. Narrated ʿAbdullāh bin Hishām, who was born in the lifetime of the Prophet ﷺ, that his mother Zainab bint Ḥumaid took him to the Prophet ﷺ and said, "O Allāh's Apostle! Take the solemn pledge from him." But he said, "He is still too young for the pledge," and passed his hand on his (i.e. ʿAbdullāh's) head and prayed for Allah's blessing for him. Zuhra bin Maʿbad stated that he used to go with his grandfather, ʿAbdullāh bin Hishām, to the market to buy foodstuff. Ibn ʿUmar and Ibn Az-Zubair would meet him and say to him, "Be our partner, as the Prophet ﷺ invoked Allāh to bless you." So, he would be their partner, and very often he would win a camel's load and send it home.

٦٨٠ - حدَّثَنا أصْبَغُ بنُ الفَرَجِ قالَ: أخْبرَنى عَبْدُ اللهِ بنُ وَهْبٍ قالَ: أخْبرَنى سَعِيدٌ، عَنْ زُهْرَةَ بنِ مَعْبَدٍ، عَنْ جَدِّهِ عَبْدِ اللهِ بنِ هِشامٍ وكانَ قَدْ أدْرَكَ النَّبِيَّ صلى اللهُ عليهِ وسلَّم وذَهَبَتْ بِهِ أُمُّهُ زَيْنَبُ بِنْتُ حُمَيْدٍ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَتْ: يا رَسُولَ اللهِ، بايِعْهُ، فَقالَ: هُوَ صَغِيرٌ، فمَسَحَ رَأسَهُ ودَعا لَهُ. وعَنْ زُهْرَةَ بنِ مَعْبَدٍ أنَّهُ كانَ يَخْرُجُ بهِ جَدُّهُ عَبْدُ اللهِ بنُ هِشامٍ إلى السُّوقِ فيَشْتَرِي الطَّعامَ فيَلْقاهُ ابنُ عُمَرَ وابنُ الزُّبَيْرِ فيَقُولانِ لَهُ: أشْرِكْنا، فإنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم قَدْ دَعا لكَ بالبَرَكَةِ فيَشْرَكُهُمْ، فرُبَّما أصابَ الرَّاحِلَةَ كما هِيَ فيَبْعَثُ بِها إلى المَنْزِلِ.

CHAPTER. Sharing the slaves.

بابُ الشَّرِكَةِ فى الرَّقِيقِ.

681. Narrated Ibn ʿUmar رضي الله عنهما : The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is imperative on him to manumit the slave completely if he has sufficient money to pay the rest of its price which is to be estimated justly. He should pay his partners their shares and release the freed slave."

٦٨١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا جُوَيْرِيَةُ بْنُ أَسْمَاءَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا، عَنِ النَّبِيِّ صلى الله عليه وسلم قَالَ: مَنْ أَعْتَقَ شِرْكًا لَهُ فى مَمْلُوكٍ وَجَبَ عَلَيْهِ أَنْ يُعْتِقَ كُلَّهُ إِنْ كَانَ لَهُ مَالٌ قَدْرَ ثَمَنِهِ يُقَامُ قِيمَةَ عَدْلٍ، وَيُعْطَى شُرَكَاؤُهُ حِصَّتَهُمْ وَيُخَلَّى سَبِيلُ المُعْتَقِ.

682. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is essential for him to manumit the slave completely if he has sufficient money. Otherwise he should look for some work for the slave (to earn what would enable him to emancipate himself), without overburdening him with work."

٦٨٢ - حَدَّثَنَا أَبُو النُّعْمَانِ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ قَتَادَةَ، عَنِ النَّضْرِ ابْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى الله عليه وسلم قَالَ: مَنْ أَعْتَقَ شِقْصًا لَهُ فى عَبْدٍ أُعْتِقَ كُلُّهُ إِنْ كَانَ لَهُ مَالٌ وَإِلاَّ يُسْتَسْعَ غَيْرَ مَشْقُوقٍ عَلَيْهِ.

CHAPTER. Sharing the Hadī and Budn. (Is it permissible for one) to share the Hadi with somebody else after it has been slaughtered?

بَابُ الاشْتِرَاكِ فى الهَدْيِ وَالبُدْنِ، وَإِذَا أَشْرَكَ الرَّجُلُ رَجُلاً فى هَدْيِهِ بَعْدَ مَا أَهْدَى.

683. Narrated Ibn ʿAbbās رضي الله عنهما : The Prophet ﷺ (along with his companions) reached Mecca in the morning of the fourth of Dhul-Ḥijja assuming Ihram for Ḥajj only. When we reached Mecca, the Prophet ﷺ ordered us to change our Iḥrām for ʿUmra and that we could finish our Ihram after performing the ʿUmra and could go to our wives (for sexual

٦٨٣ - حَدَّثَنَا أَبُو النُّعْمَانِ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ: أَخْبَرَنَا عَبْدُ المَلِكِ ابْنُ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ وَعَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالاَ: قَدِمَ النَّبِيُّ صلى الله عليه وسلم صُبْحَ رَابِعَةٍ مِنْ ذِي الحِجَّةِ مُهِلِّينَ بِالحَجِّ لاَ يَخْلِطُهُمْ شَيْءٌ، فَلَمَّا قَدِمْنَا

intercourse). The people bagan talking about that.(1) Jābir said surprisingly, "Shall we go to Minā while semen is dribbling from our male organs?"(2) Jābir moved his hand while saying so. When this news reached the Prophet ﷺ he delivered a sermon and said, "I have heard that some people were saying so and so; By Allāh I fear Allāh more than you do, and am more obedient to Him than you. If I had known what I know(3) now, I would not have brought the Hadī (sacrifice) with me; and had the Hadī not been with me, I would finish the Ihram." At that Surāqa bin Mālik stood up and asked, "O Allāh's Apostle! Is this permission for us only or permanent forever?" The Prophet ﷺ replied, "It is forever." In the meantime ʿAlī bin Abū Ṭālib came from Yemen and was saying Labbaik for what the Prophet ﷺ has intended. (According to another man, ʿAlī was saying Labbaik for Ḥajj similar to Allāh's Apostle's ﷺ.) The Prophet ﷺ told him to keep on the Iḥrām and let him share the Hadī with him.

أمَرَنا فَجَعَلْناها عُمْرَةً و أنْ نَحِلَّ إلى نسائِنا ، فَفَشَتْ فى ذَلكَ القالَةُ . قالَ عَطَاءٌ فَقالَ جابِرٌ : فَيَرُوحُ أحَدُنا إلى مِنًى و ذَكَرُهُ يَقْطُرُ مَنِيًّا ، فَقالَ جابِرٌ بِكَفِّهِ ، فَبَلَغَ ذَلكَ النَّبِىَّ صلى اللهُ عليهِ وسلَّم فَقامَ خَطِيبا فَقالَ : بَلَغَنى أنَّ أقْوَاما يَقُولونَ كذَا و كذَا ، واللهِ لأَنا أبَرُّ و أتْقَى للهِ مِنْهُمْ ، ولَوْ أنِّى اسْتَقْبَلْتُ مِنْ أمْرِى ما اسْتَدْبَرْتُ ما أهْدَيْتُ و لَوْلا أنَّ مَعى الهَدْىَ لأَحْلَلْتُ . فَقامَ سُرَاقَةُ بنُ مالكِ بنِ جُعْشُمٍ فَقالَ : يارَسُولَ اللهِ ، هىَ لَنا أو لِلأَبَد ؟ فَقالَ : لا ، بلْ لِلأَبَدِ . قالَ : و جاءَ عَلِىُّ بنُ أبى طالِبٍ فَقالَ : أحَدُهُمَا يَقُولُ لَبَّيْكَ بِما أهَلَّ بِهِ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم ، و قالَ الآخَرُ لَبَّيْكَ بِحَجَّةِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم ، فَأمَرَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم أنْ يُقِيمَ عَلى إحْرَامِهِ و أشْرَكَهُ فى الهَدْىِ .

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(1) People thought that it was sinful to perform ʿUmra during the months of Ḥajj, so when the Prohpet ﷺ ordered them to perform ʿUmra with Ḥajj (i. e. Ḥajj-at-Tamattuʿ), they were astonished.

(2) Jābir thought that it would be inconvenient to assume Iḥrām for Ḥajj and go to Minā shortly after having had sexual relation with one's wife.

(3) Know that ʿUmra is permissible in the months of Ḥajj.

CHAPTER. Whoever regarded ten sheep as equal to one camel in distribution.

684. Narrated ʿAbāya bin Rifāʿa: My grandfather, Rāfiʿ bin Khadij ﵁ said, "We were in the valley of Dhul-Ḥulaifa of Tuhāma in the company of the Prophet ﷺ and had had some camels and sheep (of the booty). The people hurried (in slaughtering the animals) and put their meat in the pots and started cooking. Allāh's Apostle ﷺ came and ordered them to upset the pots, and distributed the booty considering one camel as equal to ten sheep. One of the camels fled and the people had only a few horses, so they got worried. (The camel was chased and) a man stopped the camel by throwing an arrow at it. Allāh's Apostle ﷺ said, 'Some of these animals are untamed like wild animals, so if anyone of them went out of your control, then you should treat it as you have done now.'" My grandfather said, "O Allāh's Apostle! We hope and also fear that we may face our enemy tomorrw and we have no knives, could we slaughter the animals with reeds?" The Prophet ﷺ said, "Hurry up (in slaughtering them) and you can use what would make blood flow, and you can eat what is slaughtered if the Name of Allāh is mentioned at the time of slaughtering. But don't use teeth or fingernails (in slaughtering). I am telling you why. As for teeth, they are bones, and fingernails are used by Ethiopians for slaughtering."

(See Hadith 668)

بَابٌ مَنْ عَدَلَ عَشَرَةً مِنَ الْغَنَمِ بِجَزُورٍ فِى الْقَسْمِ .

٦٨٤ ـ حَدَّثَنِى مُحَمَّدٌ : أَخْبَرَنَا وَكِيعٌ ، عَنْ سُفْيَانَ ، عَنْ أَبِيهِ ، عَنْ عَبَايَةَ بْنِ رِفَاعَةَ ، عَنْ جَدِّهِ رَافِعِ بْنِ خَدِيجٍ رَضِىَ اللهُ عَنْهُ قَالَ : كُنَّا مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم بِذِى الْحُلَيْفَةِ مِنْ تِهَامَةَ فَأَصَبْنَا غَنَمًا وَإِبِلًا فَعَجِلَ الْقَوْمُ فَأَغْلَوْا بِهَا الْقُدُورَ ، فَجَاءَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَأَمَرَ بِهَا فَأُكْفِئَتْ ثُمَّ عَدَلَ عَشَرَةً مِنَ الْغَنَمِ بِجَزُورٍ . ثُمَّ إِنَّ بَعِيرًا مِنْهَا نَدَّ وَلَيْسَ فِى الْقَوْمِ إِلَّا خَيْلٌ يَسِيرَةٌ ، فَرَمَاهُ رَجُلٌ فَحَبَسَهُ بِسَهْمٍ فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : إِنَّ لِهٰذِهِ الْبَهَائِمِ أَوَابِدَ كَأَوَابِدِ الْوَحْشِ . فَمَا غَلَبَكُمْ مِنْهَا فَاصْنَعُوا بِهِ هٰكَذَا ، قَالَ : قَالَ جَدِّى : يَارَسُولَ اللهِ ، إِنَّا نَرْجُو وَنَخَافُ أَنْ نَلْقَى الْعَدُوَّ غَدًا وَلَيْسَ مَعَنَا مُدًى ، أَفَنَذْبَحُ بِالْقَصَبِ ؟ فَقَالَ : أَعْجِلْ أَوْ أَرِنِى مَا أَنْهَرَ الدَّمَ وَذُكِرَ اسْمُ اللهِ عَلَيْهِ فَكُلُوا ، لَيْسَ السِّنَّ وَالظُّفُرَ . وَسَأُحَدِّثُكُمْ عَنْ ذٰلِكَ ، أَمَّا السِّنُّ فَعَظْمٌ ، وَأَمَّا الظُّفُرُ فَمُدَى الْحَبَشَةِ .

In the name of Allāh,
the most Beneficent, the most Merciful

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

THE BOOK OF MORTGAGING IN PLACES OCCUPIED BY SETTLED POPULATION.

كتاب فى الرهن فى الحضر

CHAPTER. And the Statement of Allāh ﷻ :—

> ‘ If you are on journey
> And cannot find a person to write
> (your debts)
> Then a pledge in hand (shall suffice)
> (i.e. mortgaging).

وَ قَوْلِهِ تَعَالَى - وَ إِنْ كُنْتُمْ عَلَى سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهَانٌ مَقْبُوضَةٌ - .

685. Narrated Anas ؓ : No doubt, the Prophet ﷺ mortgaged his armour for barley grains. Once I took barley bread with some dissolved fat on it to the Prophet ﷺ and I heard him saying, “The families of Muhammad ﷺ have come to possess no more than one Ṣāʿ in both the morning and the evening although they were nine houses.”

٦٨٥ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ : حَدَّثَنَا هِشَامٌ ، حَدَّثَنَا قَتَادَةُ ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُ قَالَ : وَلَقَدْ رَهَنَ النَّبِيُّ صلى اللهُ عليه وسلَّم دِرْعَهُ بِشَعِيرٍ وَ مَشَيْتُ إِلَى النَّبِيِّ صلى اللهُ عليه وسلَّم بِخُبْزِ شَعِيرٍ وَ إِهَالَةٍ سَنِخَةٍ ، وَلَقَدْ سَمِعْتُهُ يَقُولُ : مَا أَصْبَحَ لِآلِ مُحَمَّدٍ صلى اللهُ عليه وسلَّم إِلَّا صَاعٌ وَلَا أَمْسَى وَ إِنَّهُمْ لَتِسْعَةُ أَبْيَاتٍ .

CHAPTER. Mortgaging an armour.

بَابُ مَنْ رَهَنَ دِرْعَهُ .

686. Narrated ʿAisha ؓ : The Prophet ﷺ bought some foodstuff on credit for a limited period and mortgaged his armour for it.

٦٨٦ - حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا عَبْدُ الْوَاحِدِ : حَدَّثَنَا الْأَعْمَشُ قَالَ : تَذَاكَرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنَ وَالْقَبِيلَ

فِى السَّلَفِ فَقَالَ إِبْرَاهِيمُ : حَدَّثَنَا الأَسْوَدُ ، عَنْ عَائِشَةَ رَضِىَ اللهُ عَنْهَا أَنَّ النَّبِىَّ صلى اللهُ عليه وسلَّم اشْتَرَى مِنْ يَهُودِىٍّ طَعَامًا إلى أجَلٍ وَرَهَنَهُ دِرْعَهُ .

CHAPTER. Mortgaging the arms.

بابُ رَهْنِ السِّلاحِ .

687. Narrated Jābir bin ʿAbdullāh ؓ ; Allāh's Apostle ﷺ said, "Who can kill Kaʿb bin Al-As͟hraf who has harmed Allāh and His Apostle ﷺ ?" Muḥammad bin Maslama got up and said, "I will kill him." So, Muḥammad bin Maslama went to Kaʿb and said, "I want a loan of one or two Wasqs of foodgrains." Kaʿb said, "Mortgage your women to me." Muḥammad bin Maslama said, "How can we mortgage our women, and you are the handsomest among the Arabs?" He said, "Then mortgage your sons to me." Muḥammad said, "How can we mortgage our sons, as the people will abuse them for being mortgaged for one or two Wasqs of foodgrains? It is shameful for us. But we will mortgage our arms to you." So, Muḥammad bin Maslama promised him that he would came to him next time. They (Muḥammad bin Maslama and his companions) came to him as promised and murdered him. Then they went to the Prophet ﷺ and told him about it.

٦٨٧ ـ حَدَّثَنَا عَلِىُّ بنُ عَبْدِ اللهِ : حَدَّثَنَا سُفْيَانُ : قَالَ عَمْرٌو : سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُ يَقُولُ : قَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : مَنْ لِكَعْبِ بنِ الأشْرَفِ ، فإنَّهُ آذَى اللهَ وَرَسُولَهُ صلى اللهُ عليه وسلَّم . فَقَالَ مُحَمَّدُ بنُ مَسْلَمَةَ : أنا فأتاهُ فَقَالَ : أرَدْنا أنْ تُسْلِفَنا وَسْقًا أوْ وَسْقَيْنِ ، فَقَالَ : أرْهِنُونِى نِسَاءَكُمْ . قَالُوا : كَيْفَ نَرْهَنُكَ نِسَاءَنا وأنْتَ أجْمَلُ العَرَبِ ؟ قَالَ : فَارْهَنُونِى أبْنَاءَكُمْ ، قالُوا : كَيْفَ نَرْهَنُ أبْنَاءَنا فَيُسَبُّ أحَدُهُمْ فَيُقَالُ رُهِنَ بِوَسْقٍ أوْ وَسْقَيْنِ ؟ هٰذا عارٌ عَلَيْنا ، ولٰكِنَّا نَرْهَنُكَ اللَّامَةَ ، قالَ سُفْيانُ : يَعْنى السِّلاحَ . فَوَعَدَهُ أنْ يَأْتِيَهُ فَقَتَلُوهُ ثُمَّ أتَوُا النَّبِىَّ صلى اللهُ عليه وسلَّم فأخْبَرُوهُ .

CHAPTER. It is permissible to mortgage an animal used for riding or milking.

Mughīra narrated from Ibrahim :

بابٌ ـ الرَّهْنُ مَرْكُوبٌ وَمَحْلُوبٌ .

وقالَ مُغِيرَةُ عَنْ إبْرَاهِيمَ :

One can ride and milk the lost animal in proportion to the amount of food one gives to it; this is valid also for mortgaged animals.

تُرْكَبُ الضَّالَّةُ بِقَدْرِ عَلَفِهَا، وَ تُحْلَبُ بِقَدْرِ عَلَفِهَا، وَالرَّهْنُ مِثْلُهُ.

688. Narrated Abū Huraira ؓ: The Prophet ﷺ said, "One can ride the mortgaged animal because of what one spends on it, and one can drink the milk of a milch animal as long as it is mortgaged."

٦٨٨ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا زَكَرِيَّا، عَنْ عَامِرٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم أَنَّهُ كَانَ يَقُولُ: الرَّهْنُ يُرْكَبُ بِنَفَقَتِهِ، وَ يُشْرَبُ لَبَنُ الدَّرِّ إِذَا كَانَ مَرْهُونًا.

689. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, "The mortgaged animal can be used for riding as long as it is fed and the milk of the milch animal can be drunk according to what one spends on it. The one who rides the animal or drinks its milk should provide the expenditures."

٦٨٩ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللهِ: أَخْبَرَنَا زَكَرِيَّا، عَنِ الشَّعْبِيِّ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: الرَّهْنُ يُرْكَبُ بِنَفَقَتِهِ إِذَا كَانَ مَرْهُونًا، وَ لَبَنُ الدَّرِّ يُشْرَبُ بِنَفَقَتِهِ إِذَا كَانَ مَرْهُونًا. وَ عَلَى الَّذِي يَرْكَبُ وَ يَشْرَبُ النَّفَقَةُ.

CHAPTER. Mortgaging things to Jews and others.

بابُ الرَّهْنِ عِنْدَ الْيَهُودِ وَ غَيْرِهِمْ.

690. Narrated ʿAisha ؓ: Allāh's Apostle ﷺ bought some foodstuff from a Jew and mortgaged his armour to him.

٦٩٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ، عَنِ الأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الأَسْوَدِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: اشْتَرَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم مِنْ يَهُودِيٍّ طَعَامًا وَ رَهَنَهُ دِرْعَهُ.

CHAPTER. If a dispute arises between

بابٌ - إِذَا اخْتَلَفَ الرَّاهِنُ

the mortgager and mortgagee, a proof is to be provided by the plaintiff, otherwise the defendant has to take an oath (if he insists on denying the plaintiff's claim).

691. Narrated Ibn Abū Mulaika: I wrote a letter to Ibn ʿAbbās and he wrote to me that the Prophet ﷺ had given the verdict that the defendant had to take an oath.

692. Narrated Abū Wāʾil: ʿAbdullāh (bin Masʿūd) ؓ said, "Whoever takes an oath in order to grab somebody's property and he is false, when he meets Allāh, Allāh will bestow His wrath upon him." Allāh revealed the following verse to confirm that :—

> 'As for those who sell
> The faith they owe to Allāh
> And their own plighted words
> For a small price
> A painful torment." (3: 77)

Al-Ashʿath bin Qais came to us and said, "What is Abū Abdur-Rehmān (i. e. Ibn Masʿūd) telling you?" We related the story to him. On that he said, "He has told the truth. This verse was revealed about me. I had some dispute with another man regarding a well and we took the case before Allāh's Apostle ﷺ. Allāh's Apostle ﷺ said (to me), 'Produce two witnesses (to support your claim); otherwise the defendant has the

والمُرْتَهِنُ و نَحْوُهُ فالبَيِّنَةُ عَلى المُدَّعِي واليمينُ عَلى المُدَّعى عَلَيْهِ .

٦٩١ ـ حدَّثَنا خَلادُ بنُ يَحْيى : حدَّثَنا نافعُ بنُ عُمَرَ ، عَنِ ابنِ أبي مُلَيْكَةَ قالَ : كَتَبْتُ إلى ابنِ عَبَّاسٍ فكَتَبَ إلَيَّ : أنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم قَضَى أنَّ اليمينَ عَلى المُدَّعى عَلَيْهِ .

٦٩٢ ـ حدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ : حدَّثَنا جَرِيرٌ ، عَنْ مَنْصُورٍ ، عَنْ أبي وَائِلٍ قالَ : قالَ عَبْدُ اللهِ رَضِيَ اللهُ عَنْهُ : مَنْ حَلَفَ عَلى يَمِينٍ يَسْتَحِقُّ بِها مالاً و هُوَ فِيها فاجِرٌ لَقِيَ اللهَ و هُوَ عَلَيْهِ غَضْبانُ ثُمَّ أنْزَلَ اللهُ تَصْدِيقَ ذَلكَ ـ إنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ و أيْمانِهِمْ ثَمَناً قَلِيلاً ـ فَقَرَأَ إلى ـ عَذابٌ ألِيمٌ ـ ثُمَّ إنَّ الأشْعَثَ بنَ قَيْسٍ خَرَجَ إلَيْنا فَقالَ : ما يُحَدِّثُكُمْ أبُو عَبْدِ الرَّحْمَنِ ؟ قالَ : فَحَدَّثْناهُ ، قالَ : فَقالَ صَدَقَ ، لَفِيَّ نَزَلَتْ ، كانَتْ بَيْني و بَيْنَ رَجُلٍ خُصُومَةٌ فِي بِئْرٍ فاخْتَصَمْنا إلى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم فَقالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : شاهِدَاكَ أوْ يَمِينُهُ . قُلْتُ : إنَّهُ إذاً يَحْلِفَ ولا يُبالِي ، فَقالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : مَنْ حَلَفَ عَلى يَمِينٍ يَسْتَحِقُّ بِها مالاً و

right to take an oath (to refute your claim).' I said, 'The defendant would not care to take a false oath.' Allāh's Apostle ﷺ then said, 'If somebody takes an oath through which he has the right to possess someone else's property and his oath is false, then when he meets Allāh, Allāh will bestow His wrath upon him.' Allāh then revealed what confirmed that." Al-Ash'ath then recited the following Verse:—

'As for those who sell
The faith they owe to Allāh
And their own plighted words
For a small price.........
... (to) ...... they shall have
A painful torment!" (3-77)

هُوَ فِيهَا فَاجِرٌ، لَقِيَ اللهَ و هُوَ عَلَيْهِ
غَضْبَانُ، ثُمَّ أَنْزَلَ اللهُ تَصْدِيقَ ذَلِكَ،
ثُمَّ اقْتَرَأَ هَذِهِ الآيَةَ - إِنَّ الَّذِينَ يَشْتَرُونَ
بِعَهْدِ اللهِ و أَيْمَانِهِمْ ثَمَنًا قَلِيلًا - إِلَى -
وَلَهُمْ عَذَابٌ أَلِيمٌ -

In the name of Allāh,
the most Beneficent, the most Merciful

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

MANUMISSION OF (SLAVES) AND ITS SUPERIORITY

فى العتق و فضله

And the Statement of Allāh تعالى :—

‘To manumit a slave
Or to feed in the
Day of hunger an
Orphan near of kin.’ (90 : 13-15)

وَ قَوْلِهِ تَعالَى - فَكُّ رَقَبَةٍ أو إطْعامٌ فى يَوْمٍ ذِى مَسْغَبَةٍ يَتِيماً ذا مَقْرَبَةٍ -.

693. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, “Whoever frees a Muslim slave, Allāh will save all the parts of his body from the (Hell) Fire as he has freed the body-parts of the slave.”

Saʿīd bin Marjāna said that he narrated that Ḥadīth to ʿAlī bin Al-Ḥusain رضي الله عنهما and he freed his slave for whom ʿAbdullāh bin Jaʿfar had offered him ten-thousand Dirhams or one-thousand Dīnārs.

٦٩٣ - حَدَّثَنا أَحْمَدُ بنُ يُونُسَ : حَدَّثَنا عاصِمُ بنُ مُحَمَّدٍ ، قالَ : حَدَّثَنِى وَاقِدُ بنُ مُحَمَّدٍ : قالَ حَدَّثَنِى سَعِيدُ ابنُ مَرْجانَةَ صاحِبُ عَلِىِّ بنِ الحُسَيْنِ قالَ : قالَ لِى أبُو هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ : قالَ النَّبِىُّ صلى اللهُ عليه وسلَّم : أيُّما رَجُلٍ أعْتَقَ امْرَأً مُسْلِماً اسْتَنْقَذَ اللهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْواً مِنْهُ مِنَ النَّارِ . قالَ سَعِيدُ بنُ مَرْجانَةَ : فانْطَلَقْتُ بِهِ إلى عَلِىِّ بنِ الحُسَيْنِ فَعَمَدَ عَلِىُّ بنُ الحُسَيْنِ رَضِىَ اللهُ عَنْهُما إلى عَبْدٍ لَهُ قَدْ أعْطاهُ بِهِ عَبْدُ اللهِ بنُ جَعْفَرٍ عَشَرَةَ آلافِ دِرْهَمٍ ، أوْ ألْفَ دِينارٍ فأعْتَقَهُ .

CHAPTER. What is the best kind of manumission of slaves?

بابٌ أىُّ الرِّقابِ أفْضَلُ ؟.

694. Narrated Abū Dhar رضي الله عنه : I

٦٩٤ - حَدَّثَنا عُبَيْدُ اللهِ بنُ مُوسَى ،

asked the Prophet ﷺ, "What is the best deed?" He replied, "To believe in Allāh and to fight for His Cause." I then asked, "What is the best kind of manumission of slaves?" He replied, "The manumission of the most expensive slave and the most beloved slave by his master." I said, "If I cannot afford to do that?" He said, "Help the weak or do good for a person who cannot work for himself." I said, "If I cannot do that?" He said, "Refrain from harming others for this will be regarded as a charitable deed for your own good."

عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أَبي مُراوِحٍ، عَنْ أَبي ذَرٍّ رَضِيَ اللهُ عَنْهُ قالَ: سَأَلْتُ النَّبِيَّ صلى اللهُ عليه وسلَّم: أيُّ العَمَلِ أَفْضَلُ؟ قالَ: إِيمانٌ بِاللهِ وجِهادٌ في سَبِيلِهِ. قُلْتُ: فأيُّ الرِّقابِ أَفْضَلُ؟ قالَ: أَعْلاها ثَمَنًا و أَنْفَسُها عِنْدَ أَهْلِها. قُلْتُ: فإنْ لمْ أَفْعَلْ؟ قالَ: تُعِينُ ضائِعًا أو تَصْنَعُ لأَخْرَقَ. قالَ: فإنْ لمْ أَفْعَلْ؟ قالَ: تَدَعُ النّاسَ مِنَ الشَّرِّ فإنَّها صَدَقَةٌ تَصَدَّقُ بِها عَلَى نَفْسِكَ.

CHAPTER. Freeing slaves, at the time of eclipses or on the appearance of some other signs of Allah, is recommended.

بابُ ما يُسْتَحَبُّ مِنَ العَتاقَةِ في الكُسُوفِ أوِ الآياتِ.

695. Narrated Asmā' bint Abū Bakr رضي الله عنهما : The Prophet ﷺ ordered us to free slaves at the time of solar eclipses.

٦٩٥ - حدَّثَنا مُوسَى بنُ مَسْعُودٍ: حدَّثَنا زائِدَةُ بنُ قُدامَةَ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ فاطِمَةَ بِنْتِ المُنْذِرِ، عَنْ أَسْماءَ بِنْتِ أَبي بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَتْ: أَمَرَ النَّبِيُّ صلى اللهُ عليه وسلَّم بالعَتاقَةِ في كُسُوفِ الشَّمْسِ. تابَعَهُ عَلِيٌّ، عَنِ الدَّراوَرْدِيِّ، عَنْ هِشامٍ.

696. Narrated Asmā' bint Abū Bakr رضي الله عنهما : We were ordered to free slaves at the time of lunar eclipses.

٦٩٦ - حدَّثَنا مُحَمَّدُ بنُ أَبي بَكْرٍ: حدَّثَنا عَثّامٌ: حدَّثَنا هِشامٌ، عَنْ فاطِمَةَ بِنْتِ المُنْذِرِ، عَنْ أَسْماءَ بِنْتِ أَبي بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَتْ: كُنّا نُؤْمَرُ عِنْدَ الخُسُوفِ بالعَتاقَةِ.

CHAPTER. If one manumits a male slave owned by two persons or a female slave owned by a number of partners.

بَابٌ إِذَا أَعْتَقَ عَبْدًا بَيْنَ اثْنَيْنِ أَوْ أَمَةً بَيْنَ الشُّرَكَاءِ.

697. Narrated Ibn ʿUmar ؓ : The Prophet ﷺ said, "Whoever manumits a slave owned by two masters, should manumit him completely (not partially) if he is rich after having its price evaluated."

٦٩٧ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللهِ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرٍو، عَنْ سَالِمٍ، عَنْ أَبِيهِ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قَالَ: مَنْ أَعْتَقَ عَبْدًا بَيْنَ اثْنَيْنِ فَإِنْ كَانَ مُوسِرًا قُوِّمَ عَلَيْهِ ثُمَّ يُعْتَقُ.

698. Narrated ʿAbdullāh bin ʿUmar ؓ : Allāh's Apostle ﷺ said, "Whoever frees his share of a common slave and he has sufficient money to free him completely, should let its price be estimated by a just man and give his partners the price of their shares and manumit the slave; otherwise (i. e. if he has not sufficient money) he manumits the slave partially."

٦٩٨ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ قَالَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قَالَ: مَنْ أَعْتَقَ شِرْكًا لَهُ فِي عَبْدٍ وَكَانَ لَهُ مَا يَبْلُغُ ثَمَنَ الْعَبْدِ قُوِّمَ الْعَبْدُ قِيمَةَ عَدْلٍ فَأَعْطَى شُرَكَاءَهُ حِصَصَهُمْ وَعَتَقَ عَلَيْهِ الْعَبْدُ وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ.

699. Narrated Ibn ʿUmar ؓ : Allāh's Apostle ﷺ said, "Whoever manumits his share of a slave, then it is essential for him to get that slave manumitted completely so long as he has the money to do so. If he has not sufficient money to pay the price of the other shares after the price of the slave is evaluated justly, the manumitter manumits the slave partially in proportion to his share.

٦٩٩ - حَدَّثَنَا عُبَيْدُ بْنُ إِسْمَاعِيلَ، عَنْ أَبِي أُسَامَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَنْ أَعْتَقَ شِرْكًا لَهُ فِي مَمْلُوكٍ فَعَلَيْهِ عِتْقُهُ كُلُّهُ إِنْ كَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَهُ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ يُقَوَّمُ عَلَيْهِ قِيمَةَ عَدْلٍ عَلَى الْمُعْتِقِ فَأُعْتِقَ مِنْهُ مَا أَعْتَقَ.

700. Narrated ʿUbaidullāh as above briefly.

٧٠٠ ـ حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا بِشْرٌ، عَنْ عُبَيْدِ اللهِ اخْتَصَرَهُ.

701. Narrated Ibn ʿUmar رضي الله عنهما : The Prophet ﷺ said, "He who manumits his share of a slave and has money equal to the remaining part of the justly estimated price of the slave, he should manumit him (by giving the rest of his price to the other co-owners)."

Nāfiʿ added, "Otherwise the slave is partially free." Aiyūb is not sure whether the last statement was said by Nāfiʿ or it was a part of the Ḥadīth.

٧٠١ ـ حَدَّثَنَا أَبُو النُّعْمَانِ: حَدَّثَنَا حَمَّادٌ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا، عَنِ النَّبِيِّ صلى الله عليه وسلم قَالَ: مَنْ أَعْتَقَ نَصِيبًا لَهُ فى مَمْلُوكٍ أَوْ شِرْكًا لَهُ فى عَبْدٍ فَكَانَ لَهُ مِنَ الْمَالِ مَا يَبْلُغُ قِيمَتَهُ بِقِيمَةِ الْعَدْلِ فَهُوَ عَتِيقٌ. قَالَ نَافِعٌ: وَإِلاَّ فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ. قَالَ أَيُّوبُ: لا أَدْرِى أَشَىْءٌ قَالَهُ نَافِعٌ أَوْ شَىْءٌ فى الْحَدِيثِ.

702. Narrated Ibn ʿUmar رضي الله عنهما that he used to give his verdict regarding the male or female slaves owned by more than one master, one of whom may manumit his share of the slave. Ibn ʿUmar used to say in such case, "The manumitter should manumit the slave completely if he has sufficient money equal to the rest of the price of the slave which is to be justly estimated, and the other share-holders are to take the price of their shares and the slave is released from slavery." Ibn ʿUmar narrated this verdict from the Prophet ﷺ.

٧٠٢ ـ حَدَّثَنَا أَحْمَدُ بْنُ مِقْدَامٍ: حَدَّثَنَا الْفُضَيْلُ بْنُ سُلَيْمَانَ: حَدَّثَنَا مُوسَى بْنُ عُقْبَةَ: أَخْبَرَنِى نَافِعٌ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّهُ كَانَ يُفْتِى فى الْعَبْدِ أَوِ الأَمَةِ يَكُونُ بَيْنَ شُرَكَاءَ فَيُعْتِقُ أَحَدُهُمْ نَصِيبَهُ مِنْهُ، يَقُولُ: قَدْ وَجَبَ عَلَيْهِ عِتْقُهُ كُلُّهُ إِذَا كَانَ لِلَّذِى أَعْتَقَ مِنَ الْمَالِ مَا يَبْلُغُ يُقَوَّمُ مِنْ مَالِهِ قِيمَةَ الْعَدْلِ، وَيُدْفَعُ إِلَى الشُّرَكَاءِ أَنْصِبَاؤُهُمْ، وَيُخَلَّى سَبِيلُ الْمُعْتَقِ، يُخْبِرُ ذَلِكَ ابْنُ عُمَرَ عَنِ النَّبِيِّ صلى الله عليه وسلم. وَرَوَاهُ اللَّيْثُ وَابْنُ أَبِى ذِئْبٍ وَابْنُ إِسْحَاقَ وَجُوَيْرِيَةُ وَيَحْيَى بْنُ سَعِيدٍ وَإِسْمَاعِيلُ

ابنُ أُمَيَّةَ عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِىَ اللهُ عَنْهُما، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّمَ مُخْتَصَرًا.

CHAPTER. Whoever frees his portion of a common slave and does not possess enough money to free him completely, then that slave should be helped to work without hardship to earn what will enable him to get complete freedom in the same way adopted in the contractual liberation.

بابٌ إذا أعْتَقَ نَصِيبًا فى عَبْدٍ وَلَيْسَ لَهُ مالٌ اسْتُسْعِىَ العَبْدُ غَيْرَ مَشْقُوقٍ عَلَيْهِ عَلى نَحْوِ الكِتابَةِ.

703. Narrated Abū Huraira ﵁ that the Prophet ﷺ said, "Whoever frees his portion of a (common) slave."

٧٠٣ - حدَّثَنى أحْمَدُ بنُ أبى رَجاءٍ: حدَّثَنا يَحْيى بنُ آدَمَ: حدَّثَنا جَرِيرُ ابنُ أبى حازِمٍ قالَ: سَمِعْتُ قَتادَةَ قالَ: حدَّثَنى النَّضْرُ بنُ أنَسِ بنِ مالِكٍ، عَنْ بَشِيرِ بنِ نَهِيكٍ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قالَ: قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّمَ: مَنْ أعْتَقَ شَقِيصًا مِنْ عَبْدٍ.

704. Narrated Abū Huraira ﵁: The Prophet ﷺ said, "Whover frees his portion of a common slave should free the slave completely by paying the rest of its price from his money if he has enough money; otherwise the price of the slave is to be estimated and the slave is to be helped to work without hardship till he pays the rest of his price."

٧٠٤ - وحدَّثَنا مُسَدَّدٌ: حدَّثَنا يَزِيدُ بنُ زُرَيْعٍ: حدَّثَنا سَعِيدٌ، عَنْ قَتادَةَ، عَنِ النَّضْرِ بنِ أنَسٍ، عَنْ بَشِيرِ ابنِ نَهِيكٍ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ: أنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّمَ قالَ: مَنْ أعْتَقَ نَصِيبًا أوْ شَقِيصًا فى مَمْلُوكٍ فَخَلاصُهُ عَلَيْهِ فى مالِهِ إنْ كانَ لَهُ مالٌ، وَإلّا قُوِّمَ عَلَيْهِ فاسْتُسْعِىَ بِهِ غَيْرَ مَشْقُوقٍ عَلَيْهِ. تابَعَهُ حَجّاجُ بنُ حَجّاجٍ،

وَأَبَانُ وَمُوسَى بنُ خَلَفٍ عَنْ قَتَادَةَ، وَاخْتَصَرَهُ شُعْبَةُ.

CHAPTER. What is said about manumission and divorce by mistake or by forgetfulness. Manumission of slave should be for Allāh's sake only. The Prophet ﷺ said, "Everybody gets the consequence of his intentions." Doing things by forgetfulness or by mistake is not regarded as intentional action.

بَابُ الخَطَأِ وَالنِّسْيَانِ فِي العَتَاقَةِ وَالطَّلَاقِ وَنَحْوِهِ. وَلَا عَتَاقَةَ إِلَّا لِوَجْهِ اللهِ. وَقَالَ النَّبِيُّ صلى الله عليه وسلم: لِكُلِّ امْرِئٍ مَا نَوَى، وَلَا نِيَّةَ لِلنَّاسِي وَالمُخْطِئِ.

705. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "Allāh has accepted my invocation to forgive what whispers in the hearts of my followers, unless they put it to action or utter it."

٧٠٥ - حَدَّثَنَا الحُمَيْدِيُّ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا مِسْعَرٌ، عَنْ قَتَادَةَ، عَنْ زُرَارَةَ بنِ أَوْفَى، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ صلى الله عليه وسلم: إِنَّ اللهَ تَجَاوَزَ لِي عَنْ أُمَّتِي مَا وَسْوَسَتْ بِهِ صُدُورُهَا مَا لَمْ تَعْمَلْ أَوْ تَكَلَّمْ.

706. Narrated ʿUmar bin Al-Khaṭṭāb رضي الله عنه: The Prophet ﷺ said, "The results of deeds depend on intentions, and every person gets the reward according to what he intends. So, whoever migrated for Allāh and His Apostle, then his migration will be for Allāh and His Apostle, and whoever migrated for worldly benefits or for marrying a woman, then his migration is for what he migrated for."

٧٠٦ - حَدَّثَنَا مُحَمَّدُ بنُ كَثِيرٍ عَنْ سُفْيَانَ: حَدَّثَنَا يَحْيَى بنُ سَعِيدٍ، عَنْ مُحَمَّدِ بنِ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ عَلْقَمَةَ بنِ وَقَّاصٍ اللَّيْثِيِّ قَالَ: سَمِعْتُ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ صلى الله عليه وسلم قَالَ: الأَعْمَالُ بِالنِّيَّةِ وَلِامْرِئٍ مَا نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللهِ وَرَسُولِهِ، فَهِجْرَتُهُ إِلَى اللهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ لِدُنْيَا يُصِيبُهَا أَوْ امْرَأَةٍ يَتَزَوَّجُهَا فَهِجْرَتُهُ إِلَى مَا هَاجَرَ إِلَيْهِ.

CHAPTER. If somebody says to his slave that he is for Allāh ; and by that he intends to free him (the slave is freed).

And the witnesses for manumission.

بابٌ - إذا قالَ لعبْدِهِ هُوَ لله وَنَوَى العِتْقَ وَالإِشْهادِ بالعِتْقِ.

707. Narrated Qais from Abū Huraira رضي الله عنه : When Abū Huraira accompanied by his slave set out intending to embrace Islam they lost each other on the way. The slave then came while Abū Huraira was sitting with the Prophet ﷺ . The Prophet ﷺ said, "O Abū Huraira ! Your slave has come back." Abū Huraira said, " Indeed, I would like you to witness that I have manumitted him." That happened at the time when Abū Huraira recited (the following poetic verse) :—

'What a long tedious tiresome night!
Nevertheless, it has delivered us
From the land of Kufr.'

٧٠٧ - حدَّثَنا مُحَمَّدُ بنُ عَبْدِ الله ابنِ نُمَيْرٍ، عَنْ مُحَمَّدِ بنِ بِشْرٍ، عَنْ إسْماعِيلَ، عَنْ قَيْسٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّهُ لَمَّا أقْبَلَ يُرِيدُ الإِسْلامَ وَمَعَهُ غُلامُهُ ضَلَّ كُلٌّ وَاحِدٍ مِنْهُما مِنْ صَاحِبِهِ فأقْبَلَ بَعْدَ ذَلكَ وَأبُو هُرَيْرَةَ جالِسٌ مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّمَ فَقالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: يا أبا هُرَيْرَةَ، هذا غُلامُكَ قَدْ أتاكَ. فَقالَ: أما إنِّي أُشْهِدُكَ أنَّهُ حُرٌّ، قالَ فَهُوَ حِينَ يَقُولُ:

يا لَيْلَةً مِنْ طُولِهَا وَعَنائِها
عَلَى أنَّها مِنْ دارَةِ الكُفْرِ نَجَّتِ

708. Narrated Abū Huraira رضي الله عنه : On my way to the Prophet ﷺ I was reciting :—

'What a long tedious tiresome night !
Nevertheless, it has saved us
Form the land of Kufr.'—

I had a slave who ran away from me on the way. When I went to the Prophet ﷺ and gave the solemn pledge for embracing Islam, the slave showed up while I was still with the Prophet ﷺ who remark-

٧٠٨ - حدَّثَنا عُبَيْدُ اللهِ بنُ سَعِيدٍ: حدَّثَنا أبُو أسامَةَ: حدَّثَنا إسْماعِيلُ، عَنْ قَيْسٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: لَمَّا قَدِمْتُ عَلَى النَّبِيِّ صلى اللهُ عليه وسلَّمَ قُلْتُ في الطَّرِيقِ:

يا لَيْلَةً مِنْ طُولِها وَعَنائِها
عَلَى أنَّها مِنْ دارَةِ الكُفْرِ نَجَّتِ

قالَ: وَأبَقَ مِنِّي غُلامٌ لي في الطَّرِيقِ،

ed, "O Abū Huraira! Here is your slave!" I said, "I manumit him for Allāh's Sake," and so I freed him.

قَالَ: فَلَمَّا قَدِمْتُ عَلَى النَّبِيِّ صلى اللهُ عليه وسلَّمَ فَبَايَعْتُهُ فَبَيْنَا أَنَا عِنْدَهُ إِذْ طَلَعَ الْغُلَامُ فَقَالَ لِي رَسُولُ اللهِ صلى اللهُ عليه وسلَّمَ: يَا أَبَا هُرَيْرَةَ هَذَا غُلَامُكَ، فَقُلْتُ هُوَ حُرٌّ لِوَجْهِ اللهِ فَأَعْتَقْتُهُ. قَالَ أَبُو عَبْدِ اللهِ: لَمْ يَقُلْ أَبُو كُرَيْبٍ عَنْ أَبِي أُسَامَةَ حُرٌّ.

709. Narrated Qais: When Abū Huraira ؓ accompanied by his slave came intending to embrace Islām, they lost each other on the way. (When the slave showed up) Abū Huraira said (to the Prophet ﷺ), "I make you witness that the slave is free for Allah's Cause."

٧٠٩ - حَدَّثَنِي شِهَابُ بْنُ عَبَّادٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ حُمَيْدٍ، عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ قَالَ: لَمَّا أَقْبَلَ أَبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ وَمَعَهُ غُلَامُهُ وَهُوَ يَطْلُبُ الْإِسْلَامَ فَضَلَّ أَحَدُهُمَا صَاحِبَهُ بِهَذَا وَقَالَ: أَمَا إِنِّي أُشْهِدُكَ أَنَّهُ لِلهِ.

CHAPTER of Umm Walad (i.e. a slave woman who begets a child for her master).

Narrated Abū Huraira ؓ: The Prophet ﷺ said, "One of the signs of the approaching of the Hour is that the slave woman begets her own master."

بَابُ أُمِّ الْوَلَدِ. قَالَ أَبُو هُرَيْرَةَ عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّمَ: مِنْ أَشْرَاطِ السَّاعَةِ أَنْ تَلِدَ الْأَمَةُ رَبَّهَا.

710. Narrated 'Āisha ؓ: 'Utba bin Abū Waqqāṣ authorized his brother Sa'd bin Abu Waqqas to take the son of the slave-girl of Zam'a into his custody, telling him that the boy was his own (illegal) son. When Allāh's Apostle ﷺ went (to Mecca) at the time of the Conquest, Sa'd took the son of the slave-girl of Zam'a to Allāh's Apostle ﷺ and also brought 'Abd bin

٧١٠ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنَا عُرْوَةُ ابْنُ الزُّبَيْرِ أَنَّ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ إِنَّ عُتْبَةَ بْنَ أَبِي وَقَّاصٍ عَهِدَ إِلَى أَخِيهِ سَعْدِ بْنِ أَبِي وَقَّاصٍ أَنْ يَقْبِضَ إِلَيْهِ ابْنَ وَلِيدَةِ زَمْعَةَ. قَالَ عُتْبَةُ: إِنَّهُ ابْنِي، فَلَمَّا قَدِمَ رَسُولُ اللهِ صلى اللهُ

Zamʿa with him and said, "O Allāh's Apostle! This is the son of my brother ʿUtba who authoized me to take him into my custody." ʿAbd bin Zamʿa said, "O Allāh's Apostle! He is my brother, the son of Zamʿa' slave-girl and he was born on his bed." Allāh's Apostle ﷺ looked at the son of the slave-girl of Zamʿa and noticed much resemblance (to ʿUtba). Allāh's Apostle ﷺ said, "It is for you, O ʿAbd bin Zamʿa as he was born on the bed of your father." Allāh's Apostle ﷺ then told Sauda bint Zamʿa to observe veil in the presence of the boy as he noticed the boy's resemblance to ʿUtba and Sauda was the wife of the Prophet ﷺ.

عليهِ وسلَّم زَمنَ الفتحِ أخذَ سعدٌ ابنَ وليدةِ زَمْعةَ فأقبلَ بهِ إلى رَسولِ اللهِ صلى اللهُ عليهِ وسلَّم و أقبلَ معَهُ بعبدِ ابنِ زَمْعةَ فقالَ سعدٌ يا رَسولَ اللهِ ، هذا ابنُ أخي عَهِدَ إليَّ أنَّهُ ابنُهُ ، فقالَ عبدُ بنُ زَمْعةَ : يا رَسولَ اللهِ ، هذا أخي ابنُ وليدةِ زَمْعةَ وُلِدَ على فراشِهِ ، فنظرَ رَسولُ اللهِ صلى اللهُ عليهِ وسلَّم إلى ابنِ وليدةِ زَمْعةَ فإذا هوَ أشبهُ النَّاسِ بهِ فقالَ رَسولُ اللهِ صلى اللهُ عليهِ وسلَّم: هوَ لكَ يا عبدُ بنَ زَمْعةَ مِنْ أجلِ أنَّهُ وُلِدَ على فراشِ أبيهِ . قالَ رَسولُ اللهِ صلى اللهَ عليهِ وسلَّم : احتجبي منهُ يا سودةُ بنتَ زَمْعةَ ، ممَّا رأى مِنْ شبهِهِ بعُتبةَ و كانتْ سَوْدةُ زَوْجَ النَّبيِّ صلى اللهُ عليهِ وسلَّم.

CHAPTER. The selling of a Mudabbar (i.e. the slave who is declared by his master to be free after his master's death).

باب بيعِ المُدبَّرِ .

711. Narrated Jābir bin ʿAbdullāh رضي الله عنهما: A man amongst us declared that his slave would be freed after his death. The Prophet ﷺ called for that slave and sold him.(1) The slave died the same year.

٧١١ ـ حدَّثنا آدمُ بنُ أبي إياس : حدَّثنا شُعْبةُ : حدَّثنا عمرُو بنُ دينار : سمعتُ جابرَ بنَ عبدِ اللهِ رَضيَ اللهُ عنهما قالَ : أعتقَ رجلٌ منَّا عبدًا له

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(1) The liberator was needy, so the Prophet ﷺ sold the slave for him, permitting him to cancel his promise of freeing the slave after his death.

عَنْ دُبُرٍ فَدَعَا النَّبِيُّ صلى اللهُ عليه وسلَّم به فَباعَهُ. قالَ جابِرٌ: ماتَ الغُلامُ عامَ أوَّلَ.

CHAPTER. The selling and donating of the Wala of a freed slave.(1)

بابُ بَيْعِ الوَلاءِ وهِبَتِهِ.

712. Narrated Ibn ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ forbade the selling or donating the Walā of a freed slave.

٧١٢ - حدَّثَنا أبُو الوَلِيدِ: حدَّثَنا شُعْبَةُ قالَ: أخْبَرَنى عَبْدُ اللهِ بنُ دِينارٍ: سَمِعْتُ ابنَ عُمَرَ رَضِيَ اللهُ عَنْهُما يَقُولُ: نَهَى النَّبِيُّ صلى اللهُ عليه وسلَّم عَنْ بَيْعِ الوَلاءِ وعَنْ هِبَتِهِ.

713. Narrated ʿĀisha رضي الله عنها : I bought Buraira but her masters put the codition that her Walā would be for them. I told the Prophet ﷺ about it. He said (to me), "Manumit her as her Walā will be for the one who pays the price." So, I manumitted her. The Prophet ﷺ called Buraira and gave her the option of either staying with her husband or leaving him. She said, "Even if he gave me so much money, I would not stay with him," and so she preferred her freedom to her husband.

٧١٣ - حدَّثَنا عُثْمانُ بنُ أبى شَيْبَةَ: حدَّثَنا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إبْراهِيمَ، عَنِ الأسْوَدِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها قالَتْ: اشْتَرَيْتُ بَرِيرَةَ فاشْتَرَطَ أهْلُها ولاءَها، فذَكَرْتُ ذَلكَ للنَّبِيِّ صلى اللهُ عليه وسلَّم فقالَ: أعْتِقِيها فإنَّ الوَلاءَ لِمَنْ أعْطَى الوَرِقَ فأعْتَقْتُها، فدَعاها النَّبِيُّ صلى اللهُ عليه وسلَّم فخَيَّرَها مِنْ زَوْجِها فقالَتْ: لَوْ أعْطانى كَذا وكَذا ما ثَبَتُّ عِنْدَهُ، فاخْتارَتْ نَفْسَها.

CHAPTER. If the brother or the uncle of somebody was taken as a war prisoner, then can he ransom him if he is a pagan?

بابٌ - إذا أُسِرَ أخُو الرَّجُلِ أوْ عَمُّهُ هَلْ يُفادَى إذا كانَ مُشْرِكًا؟

وقالَ أنَسٌ: قالَ العَبَّاسُ للنَّبِيِّ صلى اللهُ

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(1) Walā: See the glossary.

Narrated Anas ؓ : Al-ʿAbbās said to the Prophet ﷺ , "I ransom myself and ʿAqil." ʿAlī got his share of the booty from the property which was given by his brother ʿAqīl and his uncle Al-ʿAbbās.

عَلَيْهِ وَسَلَّمَ : فَادَيْتُ نَفْسِى وَ فَادَيْتُ عَقِيلاً، وَ كَانَ عَلِىٌّ لَهُ نَصِيبٌ فِى تِلْكَ الغَنِيمَةِ الَّتى أَصَابَ مِنْ أَخِيهِ عَقِيلٍ وَ عَمِّهِ عَبَّاسٍ .

714. Narrated Anas ؓ : Some men of the Anṣār asked for the permission of Allāh's Apostle ﷺ and said, "Allow us to give up to our nephew Al-ʿAbbās, the ransom!" The Prophet ﷺ said (to them), "Do not leave (even) a Dirham (of his ransom)."

٧١٤ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللهِ : حَدَّثَنَا إِسماعِيلُ بْنُ إِبْرَاهِيمَ بْنِ عُقْبَةَ ، عَنْ مُوسَى بْنِ عُقْبَةَ ، عَنِ ابْنِ شِهابٍ قالَ : حَدَّثَنى أَنَسٌ رَضِىَ اللهُ عَنْهُ : أَنَّ رِجالاً مِنَ الأَنْصارِ اسْتَأْذَنُوا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فَقالُوا: ائْذَنْ لَنا فَلْنَتْرُكْ لابنِ أُخْتِنا عَبَّاسٍ فِدَاءَهُ، فَقالَ : لا تَدَعُونَ مِنْهُ دِرْهَماً.

CHAPTER. Manumission of a pagan.

بابُ عِتْقِ المُشْرِكِ .

715. Narrated Hishām: My father told me that Ḥakīm bin Ḥizām ؓ manumitted one-hundred slaves in the Pre-Islamic Ignorant Period, and slaughtered one-hundred camels (and distributed them in charity). When he embraced Islām he again slaughtered one-hundred camels and manumitted one-hundred slaves. Ḥakīm said, "I asked Allāh's Apostle ﷺ , 'O Allāh's Apostel! What do you think about some good deeds I used to practise in the Pre-Islamic Period regarding them as deeds of righteousness?' Allāh's Apostle said, "You have embraced Islam with all those good deeds you did."

٧١٥ - حَدَّثَنا عُبَيْدُ بْنُ إِسْمَاعِيلَ : حَدَّثَنا أَبُو أُسامَةَ ، عَنْ هِشامٍ ، أَخْبَرَنى أَبِى أَنَّ حَكِيمَ بْنَ حِزَامٍ رَضِىَ اللهُ عَنْهُ أَعْتَقَ فِى الجاهِلِيَّةِ مائَةَ رَقَبَةٍ ، وحَمَلَ عَلَى مائَةِ بَعِيرٍ . فَلَمَّا أَسْلَمَ حَمَلَ عَلَى مائَةِ بَعِيرٍ وعَتَقَ مائَةَ رَقَبَةٍ ، قالَ : فَسأَلْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّمَ فَقُلْتُ يا رَسُولَ اللهِ ، أَرَأَيْتَ أَشْياءَ كُنْتُ أَصْنَعُها فى الجاهِلِيَّةِ ، كُنْتُ أَتَحَنَّثُ بِها يَعْنِى أَتَبَرَّرُ بِها ، قالَ فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : أَسْلَمْتَ عَلَى ما سَلَفَ لَكَ مِنْ خَيْرٍ .

CHAPTER. Whoever possessed ʿArab slaves and gave them as presents or sold them or had sexual relation with the females among them or accepted their ransom or took their offspring as captives.

And the Statement of Allāh تعالى :—

> ' Allah set forth the parable
> (Of two men : One) a slave
> Under the possession of another ;
> He has no power of any sort ;
> And (the other) a man
> On whom We have bestowed
> A good provision from Ourselves
> And he spends thereof
> Secretly and openly.
> Are the two equal ?
> (By no means ;)
> Praise be to Allāh, but
> Most of them know not.' (16 : 75)

بابُ مَنْ مَلَكَ مِنَ العَرَبِ رَقِيقًا فَوَهَبَ وَ بَاعَ وَ جَامَعَ وَ فَدَى وَ سَبَى الذُّرِّيَّةَ. وَ قَوْلِ اللهِ تَعالى ـ ضَرَبَ اللهُ مَثَلًا عَبْدًا مَمْلُوكًا لا يَقْدِرُ عَلَى شَيْءٍ وَ مَنْ رَزَقْنَاهُ مِنَّا رِزْقًا حَسَنًا فَهُوَ يُنْفِقُ مِنْهُ سِرًّا وَ جَهْرًا هَلْ يَسْتَوُونَ الحَمْدُ لِلهِ بَلْ أَكْثَرُهُمْ لا يَعْلَمُونَ ـ .

716. Narrated Marwān and Al-Miswar bin Makhrama: When the delegates of the tribe of Hawāzin came to the Prophet ﷺ, he stood up and they requested him to return their properties and prisoners. The Prophet ﷺ said to them, "I have other people with me (as you see) and the most beloved statement to me is the true one; you may choose either the properties or the prisoners as I have delayed their distribution." The Prophet ﷺ had waited for them for more than ten days since his arrival from Ta if. So, when it became evident to them that the Prophet ﷺ was not going to return them except

٧١٦ ـ حدَّثَنا ابنُ أَبِي مَرْيَمَ قالَ: أَخْبَرَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: ذَكَرَ عُرْوَةُ أَنَّ مَرْوَانَ والمِسْوَرَ بنَ مَخْرَمَةَ أَخْبَرَاهُ أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم قامَ حِينَ جاءَهُ وَفْدُ هَوَازِنَ فَسَأَلُوهُ أَنْ يَرُدَّ إِلَيْهِمْ أَمْوَالَهُمْ وَسَبْيَهُمْ، فَقالَ: إِنَّ مَعِي مَنْ تَرَوْنَ، وأَحَبُّ الحَدِيثِ إِلَيَّ أَصْدَقُهُ، فاخْتارُوا إِحْدَى الطَّائِفَتَيْنِ: إِمَّا المَالَ وإِمَّا السَّبْيَ، وقَدْ كُنْتُ اسْتَأْنَيْتُ بِهِمْ وَ كانَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم انْتَظَرَهُمْ بِضْعَ عَشْرَةَ لَيْلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ.

one of the two, they said, "We choose our prisoners." The Prophet ﷺ got up amongst the people and glorified and praised Allāh as it should be and said, "Then after, these brethren of yours have come to us with repentance, and I have decided to return them their prisoners. So, whoever amongst you likes to return the prisoners willingly, then he should do so, and whoever likes to reserve his right till we recompense him from the very first war booty which Allāh will give us, then he should do so (i. e. give up the present captives)." The people unanimously said, "We release the prisoners for you willingly." The Prophet ﷺ said, "We do not know who of you has agreed to do so, so go back and let your leaders convey your opinions to us." So, all the people then went back and discussed the matter with their leaders who returned and informed the Prophet ﷺ that all the people had willingly given their consent to return the prisoners. This is what we have learnt about the war prisoners of Hawazin.

Narrated Anas that ʿAbbās said to the Prophet ﷺ, "I paid for my ransom and ʿAqīl's ransom."

فَلَمَّا تَبَيَّنَ لَهُمْ أَنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم غَيْرُ رَادٍّ إِلَيْهِمْ إِلاَّ إِحْدَى الطَّائِفَتَيْنِ قَالُوا: فَإِنَّا نَخْتَارُ سَبْيَنَا، فَقَامَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم فى النَّاسِ فَأَثْنَى عَلَى اللهِ بِمَا هُوَ أَهْلُهُ. ثُمَّ قَالَ: أَمَّا بَعْدُ، فَإِنَّ إِخْوَانَكُمْ قَدْ جَاءُونَا تَائِبِينَ وَ إِنِّى رَأَيْتُ أَنْ أَرُدَّ إِلَيْهِمْ سَبْيَهُمْ فَمَنْ أَحَبَّ مِنْكُمْ أَنْ يُطَيِّبَ ذَلِكَ فَلْيَفْعَلْ وَ مَنْ أَحَبَّ أَنْ يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ مَا يُفِيءُ اللهُ عَلَيْنَا فَلْيَفْعَلْ. فَقَالَ النَّاسُ طَيَّبْنَا لَكَ ذَلِكَ، قَالَ: إِنَّا لا نَدْرِى مَنْ أَذِنَ مِنْكُمْ مِمَّنْ لَمْ يَأْذَنْ، فَارْجِعُوا حَتَّى يَرْفَعَ إِلَيْنَا عُرَفَاؤُكُمْ أَمْرَكُمْ. فَرَجَعَ النَّاسَ فَكَلَّمَهُمْ عُرَفَاؤُهُمْ ثُمَّ رَجَعُوا إِلَى النَّبِىِّ صلى اللهُ عليهِ وسلَّم فَأَخْبَرُوهُ أَنَّهُمْ طَيَّبُوا وَ أَذِنُوا، فَهَذَا الَّذِى بَلَغَنَا عَنْ سَبْىِ هَوَازِنَ. وَ قَالَ أَنَسٌ، قَالَ عَبَّاسٌ لِلنَّبِىِّ صلى اللهُ عليهِ وسلَّم: فَادَيْتُ نَفْسِى وَ فَادَيْتُ عَقِيلاً.

717. Narrated Ibn ʿAūn: I wrote a letter to Nāfiʿ and Nāfiʿ wrote in reply to my letter that the Prophet ﷺ had suddenly attacked Banī Muṣṭaliq without warning while they were heedless and their cattle were being watered at the places of water. Their fighting men were killed

٧١٧ ـ حَدَّثَنَا عَلِىُّ بنُ الحَسَنِ: أَخْبَرَنَا عَبْدُ اللهِ: أَخْبَرَنَا ابنُ عَوْنٍ، قَالَ: كَتَبْتُ إِلَى نَافِعٍ فَكَتَبَ إِلَىَّ أَنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم أَغَارَ عَلَى بَنِى المُصْطَلِقِ وَ هُمْ غَارُّونَ وَ أَنْعَامُهُمْ

and their women and children were taken as prisoners; the Prophet ﷺ got Juwairiya on that day. Nafi' said that Ibn 'Umar had told him the above narration and that Ibn 'Umar was in that army.

تُسْقَى عَلَى الْمَاءِ فَقَتَلَ مُقَاتِلَتَهُمْ وَ سَبَى ذَرَارِيَّهُمْ، وَ أَصَابَ يَوْمَئِذٍ جُوَيْرِيَةَ، حَدَّثَنِي بِهِ عَبْدُ اللهِ بْنُ عُمَرَ وَ كَانَ فِي ذَلِكَ الْجَيْشِ.

718. Narrated Ibn Muḥairiz: I saw Abū Sa'id رضي الله عنه and asked him about coitus interruptus. Abū Sa'id said, "We went with Allāh's Apostle ﷺ in the Ghazwa of Bani Al-Muṣṭaliq and we captured some of the 'Arabs as prisoners, and the long seperation from our wives was pressing us hard and we wanted to practise coitus interruptus. We asked Allāh's Apostle ﷺ (whether it was permissible). He said, "It is better not to do that, as any soul, the existance of which Allāh has ordained up to the Day of Resurrection, will definitely come into existance."

٧١٨ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ ابْنِ مُحَيْرِيزٍ قَالَ: رَأَيْتُ أَبَا سَعِيدٍ رَضِيَ اللهُ عَنْهُ فَسَأَلْتُهُ، فَقَالَ: خَرَجْنَا مَعَ رَسُولِ اللهِ صلى الله عليه وسلّم فِي غَزْوَةِ بَنِي الْمُصْطَلِقِ فَأَصَبْنَا سَبْيًا مِنْ سَبْيِ الْعَرَبِ فَاشْتَهَيْنَا النِّسَاءَ فَاشْتَدَّتْ عَلَيْنَا الْعُزْبَةُ، وَ أَحْبَبْنَا الْعَزْلَ فَسَأَلْنَا رَسُولَ اللهِ صلى اللهُ عليه وسلّم فَقَالَ: مَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا، مَا مِنْ نَسَمَةٍ كَائِنَةٍ إِلَى يَوْمِ الْقِيَامَةِ إِلَّا وَ هِيَ كَائِنَةٌ.

719. Narrated Abū Huraira رضي الله عنه: I have loved the people of the tribe of Bani Tamim eversince I heard three things Allāh's Apostle ﷺ said about them. I heard him saying, "These people (of the tribe of Bani Tamim) would stand firm against Ad-Dajjal (i.e. the Pseudo Christ)." When the Ṣadaqāt (gifts of charity) from that tribe came, Allāh's Apostle ﷺ said, "These are the Ṣadaqāt (i.e. charitable gifts) of our folk." 'Aisha had a slave-

٧١٩ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ، عَنْ عُمَارَةَ بْنِ الْقَعْقَاعِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: لَا أَزَالُ أُحِبُّ بَنِي تَمِيمٍ. وَ حَدَّثَنِي ابْنُ سَلَامٍ: أَخْبَرَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنِ الْمُغِيرَةِ، عَنِ الْحَارِثِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ، وَ عَنْ عُمَارَةَ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: مَا زِلْتُ

girl from that tribe, and the Prophet ﷺ said to Āisha, "Manumit her as she is a descendant of Ishmael (the Prophet)."

CHAPTER. The superiority of him who teaches his slave-girl good manners.

720. Narrated Abū Mūsā رضي الله عنه: Allāh's Apostle ﷺ said, "He who has a slave-girl and educates and treats her nicely and then manumits and marries her, will get a double reward."

CHAPTER. The saying of the Prophet ﷺ: Slaves are your brothers, so feed them with the like of what you eat.

And the Statement of Allāh تعالى :—

"Worship Allāh and worship none
Along with Him,
And do good
To parents, kinsfolk,

أُحِبُّ بَنِي تَمِيمٍ مُنْذُ ثَلَاثٍ سَمِعْتُ مِنْ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم يَقُولُ فِيهِمْ، سَمِعْتُهُ يَقُولُ: هُمْ أَشَدُّ أُمَّتِي عَلَى الدَّجَّالِ. قالَ و جاءَتْ صَدَقاتُهُمْ فَقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: هذِهِ صَدَقاتُ قَوْمِنا، و كانَتْ سَبِيَّةٌ مِنْهُمْ عِنْدَ عائِشَةَ فَقالَ: أَعْتِقِيها فإِنَّها مِنْ وَلَدِ إِسْمَاعِيلَ.

باب فَضْلِ مَنْ أَدَّبَ جارِيَتَهُ.

٧٢٠ - حدَّثَنا إسحاقُ بنُ إبْرَاهِيمَ: سَمِعَ مُحَمَّدَ بنَ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَنْ كانَتْ لَهُ جارِيَةٌ فَعَلَّمَها فأَحْسَنَ إِلَيْها، ثُمَّ أَعْتَقَها و زَوَّجَها كانَ لَهُ أَجْرَانِ.

باب قَوْلِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم: العَبِيدُ إِخْوَانُكُمْ فأَطْعِمُوهُمْ مِمَّا تَأْكُلُونَ، و قَوْلِ اللهِ تَعالى -

و اعْبُدُوا اللهَ ولا تُشْرِكُوا بِهِ شَيْئًا و بالوالِدَيْنِ إِحْسانًا و بِذِي القُرْبَى واليَتامَى والمَساكِينِ - إلى قَوْلِهِ - مُخْتالًا فَخُورًا - و قالَ أَبُو عَبْدِ اللهِ: ذِي القُرْبَى: القَرِيبُ، والصَّاحِبِ بِالجَنْبِ: الغَرِيبُ.

Orphans, those in need,
..................................(1)
For Allāh loves not
The arrogant, the boastful.' (4 : 36)

721. Narrated Al-Ma'rūr bin Suwaid : I saw Abū Dhar Al-Ghifārī رضي الله عنه wearing a cloak, and his slave, too, was wearing a cloak. We asked him about that (i. e. how both were wearing similar cloaks). He replied, "Once I abused a man and he complained of me to the Prophet ﷺ. The Prophet ﷺ asked me, 'Did you abuse him by slighting his mother?' He added, 'Your slaves are your brethren upon whom Allāh has given you authority. So, if one has one's brethren under one's control, one should feed them with the like of what one eats and clothe them with the like of what one wears. You should not overburden them with what they cannot bear, and if you do so, help them (in their hard job).' "

٧٢١ - حَدَّثَنا آدَمُ بنُ أبي إياسٍ: حَدَّثَنا شُعْبَةُ: حَدَّثَنا واصِلٌ الأَحْدَبُ قالَ: سَمِعْتُ المَعْرُورَ بنَ سُوَيْدٍ قالَ: رَأَيْتُ أبا ذَرٍّ الغِفارِيَّ رَضِيَ اللهُ عَنْهُ وعَلَيْهِ حُلَّةٌ وعَلى غُلامِهِ حُلَّةٌ، فَسَأَلْناهُ عَنْ ذلكَ فَقالَ: إنِّي سابَبْتُ رَجُلاً فَشَكاني إلى النَّبِيِّ صلى اللهُ عليه وسلَّم فَقالَ لي النَّبِيُّ صلى الله عليه وسلَّم: أعَيَّرْتَهُ بِأُمِّهِ؟ ثُمَّ قالَ: إنَّ إخْوانَكُمْ خَوَلُكُمْ جَعَلَهُمُ اللهُ تَحْتَ أيْدِيكُمْ، فَمَنْ كانَ أخُوهُ تَحْتَ يَدِهِ فَلْيُطْعِمْهُ مِمَّا يَأْكُلُ ولْيُلْبِسْهُ مِمَّا يَلْبَسُ، ولا تُكَلِّفُوهُمْ ما يَغْلِبُهُمْ فإنْ كَلَّفْتُمُوهُمْ ما يَغْلِبُهُمْ فَأَعِينُوهُمْ.

CHAPTER. (The reward of) the slave who worships his Lord well and is faithful to his master.

بابُ العَبْدِ إذا أحْسَنَ عِبادَةَ رَبِّهِ ونَصَحَ سَيِّدَهُ.

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(1) Following are the intervening words mentioned in the Arabic text :

Neighbours who are relatives,

Neighbours who are strangers,

The companions by your side,

The way-farer (you meet),

And what your right hands possess. !

722. Narrated Ibn ʿUmar ؓ: Allāh's Apostle ﷺ said, "If a slave is faithful to his master and worships his Lord well, he will get a double reward."

٧٢٢ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ صلى الله عليهِ وسلَّم قالَ: العَبْدُ إذا نَصَحَ سَيِّدَهُ وأحْسَنَ عِبادَةَ رَبِّهِ كانَ لَهُ أجْرُهُ مَرَّتَيْنِ.

723. Narrated Abū Mūsā Al-Ashʿarī ؓ: The Prophet ﷺ said, "He who has a slave-girl and teaches her good manners and improves her education and then manumits and marries her, will get a double reward; and any slave who observes Allāh's right and his master's right will get a double reward."

٧٢٣ - حَدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ: أخبرَنا سُفْيانُ، عَنْ صالِحٍ، عَنِ الشَّعْبِيِّ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى الأشْعَرِي رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى الله عليهِ وسلَّم: أيُّما رَجُلٍ كانَتْ لَهُ جارِيَةٌ أدَّبها فأحْسَنَ تَعْليمَها، وأعْتَقَها وتزَوَّجَها فَلَهُ أجْرانِ، وأيُّما عَبْدٍ أدَّى حَقَّ اللهِ وحقَّ مَوالِيهِ فَلَهُ أجْرانِ.

724. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, "A pious slave gets a double reward." Abū Huraira added: By Him in Whose Hands my soul is but for Jihad (i. e. holy battles), Ḥajj, and my duty to serve my mother, I would have loved to die as a slave.(1)

٧٢٤ - حَدَّثَنا بِشْرُ بنُ مُحَمَّدٍ: أخْبرَنا عَبْدُ اللهِ: أخْبرَنا يُونُسُ، عَنِ الزُّهْرِي سَمِعْتُ سَعِيدَ بنَ المُسَيَّبِ يَقُولُ: قالَ أبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: للعَبْدِ المَمْلُوكِ الصَّالِحِ أجْرانِ، والذي نَفْسي بِيَدِهِ لَوْلا الجِهادُ في سَبيلِ اللهِ والحَجُّ وبِرُّ أُمِّي لأحْبَبْتُ أنْ أمُوتَ وأنا مَمْلُوكٌ.

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(1) Abū Huraira mentioned Jihād, Ḥajj and duty towards mother as obstacles in the way of his wish, because a slave cannot practise any of these actions without his master's permission. (Qasṭalānī vol. 4. p. 323)

725. Narrated Abu Huraira ؓ: The Prophet ﷺ said, "Goodness and comfort are for him who worships his Lord in a perfect manner and serves his master sincerely."

٧٢٥ - حَدَّثَنَا إِسْحَاقُ بْنُ نَصْرٍ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنِ الأَعْمَشِ: حَدَّثَنَا أَبُو صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ صلى الله عليه وسلم: نِعِمَّا لأَحَدِهِمْ يُحْسِنُ عِبَادَةَ رَبِّهِ وَيَنْصَحُ لِسَيِّدِهِ.

CHAPTER. It is disliked to look down upon a slave or to say, "My slave" or "My slave-girl." Allah ﷻ says:—

> 'The pious among your male and female slaves,' (24 : 32)

and said,

> 'A slave owned by somebody.........' (16 : 75)
>
> '......... both of them met his master at the gate ....' (12 : 25)
>
> '... and from your believing lasses.' (4 : 25)
>
> And the Prophet ﷺ said, "Get up for your master.'

Allah says:—

> 'Mention me to your Lord (master).' (12:42)

(The Prophet ﷺ said,) "And who is your master?"(1)

بابُ كَرَاهِيَةِ التَّطَاوُلِ عَلَى الرَّقِيقِ، وَقَوْلِهِ عَبْدِي أَوْ أَمَتِي. و قَالَ اللهُ تَعَالَى - وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ - . و قَالَ - عَبْدًا مَمْلُوكًا - و أَلْفَيَا سَيِّدَهَا لَدَى البَابِ - و قَالَ: مِنْ فَتَيَاتِكُمُ المُؤْمِنَاتِ - و قَالَ النَّبِيُّ صلى الله عليه وسلم: قُومُوا إِلَى سَيِّدِكُمْ - و اذْكُرْنِي عِنْدَ رَبِّكَ - عِنْدَ سَيِّدِكَ و مَنْ سَيِّدُكُمْ؟ .

726. Narrated 'Abdullah ؓ: The Prophet ﷺ said, "If a slave

٧٢٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ عُبَيْدِ اللهِ قَالَ: حَدَّثَنِي

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(1) This chapter recommends that one should not call his slave a slave; yet the word is used by Allāh and His Apostle on many occasions. In this chapter the male slave is called "'Abd" in 'Arabic; the female slave "Ama"; the master "Saiyid"; or Rabb. The slave is also called "Mamlūk", and the female slave "Fatāt".

serves his Saiyid (i. e. master) sincerely and worships his Lord (Allāh) nicely, he will get a double reward."

نافِعٌ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ: إذَا نَصَحَ العَبْدُ سَيِّدَهُ وأحْسَنَ عِبادَةَ رَبِّهِ كانَ لَهُ أجْرُهُ مَرَّتَيْنِ.

727. Narrated Abū Mūsā رضي الله عنه : The Prophet ﷺ said, "The Mamluk (slave) who worships his Lord in a perfect manner, and is dutiful, sincere and obedient to his Saiyid (master), will get a double reward."

٧٢٧ - حدَّثَنا مُحَمَّدُ بنُ العَلاءِ: حدَّثَنا أبُو أسامَةَ، عَنْ بُرَيْدٍ، عَنْ أبي بُرْدَةَ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ: لِلمَمْلُوكِ الَّذي يُحْسِنُ عِبادَةَ رَبِّهِ، ويُؤَدِّي إلى سَيِّدِهِ الَّذي لَهُ عَلَيْهِ مِنَ الحَقِّ والنَّصِيحَةِ والطَّاعَةِ: أجْرانِ.

728. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "You should say, 'Feed your lord (Rabbaka), help your Lord in performing ablution, or give water to your lord.' The slave should say, 'my master' (Saiyidī), or 'my guardian (Maulāi)', and one should not say, 'my slave (ʿAbdi)', or 'my girl-slave (Amatī)', but should say, 'my lad (Fatāi)', 'my lass (Fatātī)', and 'my boy (Ghulāmī)'."

٧٢٨ - حدَّثَنا مُحَمَّدٌ: حدَّثَنا عَبْدُ الرَّزَّاقِ: أخْبَرنا مَعْمَرٌ، عَنْ هَمَّامِ بنِ مُنَبِّهٍ: أنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يُحَدِّثُ عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم، قالَ: لا يَقُلْ أحَدُكُمْ: أطْعِمْ رَبَّكَ، وَضِّئْ رَبَّكَ، أسْقِ رَبَّكَ. ولْيَقُلْ سَيِّدِي مَوْلايَ. ولا يَقُلْ أحَدُكُمْ عَبْدِي أمَتِي، ولْيَقُلْ فَتَايَ فَتَاتِي وغُلامِي.

729. Narrated Ibn ʿUmar رضي الله عنهما : The Prophet ﷺ said, "If one manumits his share of a common slave (ʿAbd), and he has sufficient money equivalent to the rest of the price of the slave justly estimated, he should free the slave completely by paying the rest of his price; otherwise the slave is freed partly."

٧٢٩ - حدَّثَنا أبُو النُّعْمانِ: حدَّثَنا جَرِيرُ بنُ حازِمٍ، عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: مَنْ أعْتَقَ نَصِيبًا لَهُ مِنَ العَبْدِ فكانَ لَهُ مِنَ المالِ ما يَبْلُغُ قِيمَتَهُ، قُوِّمَ عَلَيْهِ قِيمَةَ عَدْلٍ،

730. Narrated ʿAbdullāh ؓ: Allāh's Apostle ﷺ said, "Everyone of you is a guardian and will be responsible for his charges. The ruler who has authority over people, is a guardian and is responsible for them, a man is a guardian of his family and is responsible for them; a woman is a guardian of her husband's house and children and is responsible for them; a slave (ʿAbd) is the guardian of the property of his master and is responsible for it; so all of you are guardians and are responsible for your charges."

731. Narrated Abū Huraira ؓ and Zaid bin Khālid: The Prophet ﷺ said, "If a slave woman (Ama) commits illegal sexual intercourse, scourge her; if she does it again, scourge her again; if she repeats it, scourge her again." The narrator added that on the third or the fourth offence, the Prophet ﷺ said, "Sell her even for a hair rope."

CHAPTER. If your servant brings your meal to you.

732. Narrated Abū Huraira ؓ:

وَ أُعْتِقَ مِنْ مالِهِ وَ إِلاَّ فَقَدْ أَعْتَقَ مِنْهُ ما عَتَقَ .

٧٣٠ ـ حَدَّثَنا مُسَدَّدٌ : حَدَّثَنا يَحْيى ، عَنْ عُبَيْدِ اللهِ : حَدَّثَنِي نافِعٌ عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ : أَنَّ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ : كُلُّكُمْ راعٍ وَ مَسْئُولٌ عَنْ رَعِيَّتِهِ . فالأَمِيرُ الذي عَلى النّاسِ فَهُوَ راعٍ وَ هُوَ مَسْئُولٌ عَنْهُمْ . والمَرْأَةُ راعِيَةٌ عَلى بَيْتِ بَعْلِها وَوَلَدِهِ وَهِيَ مَسْئُولَةٌ عَنْهُمْ . والعَبْدُ راعٍ عَلى مالِ سَيِّدِهِ وَ هُوَ مَسْئُولٌ عَنْهُ . أَلا فَكُلُّكُمْ راعٍ وَ كُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ .

٧٣١ ـ حَدَّثَنا مالِكُ بْنُ إِسْماعِيلَ : حَدَّثَنا سُفْيانُ ، عَنِ الزُّهْرِيِّ : حَدَّثَنِي عُبَيْدُ اللهِ : سَمِعْتُ أَبا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ وَ زَيْدَ بْنَ خالِدٍ عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ : إِذا زَنَتِ الأَمَةُ فاجْلِدُوها ، ثُمَّ إِذا زَنَتْ فاجْلِدُوها ثُمَّ إِذا زَنَتْ فاجْلِدُوها ، فى الثّالِثَةِ أَوِ الرّابِعَةِ فَبِيعُوها وَ لَوْ بِضَفِيرٍ .

بابٌ ـ إِذا أَتى أَحَدَكُمْ خادِمُهُ بِطَعامِهِ .

٧٣٢ ـ حَدَّثَنا حَجّاجُ بْنُ مِنْهالٍ :

The Prophet ﷺ said, "If a servant brings food to his master, then if the master does not let him sit and share the food, he should at least give him a mouthful or two mouthfuls of that food or a meal or two meals, as he has taken the trouble of preparing it."

CHAPTER. The slave is a guardin of the property of his master. The Prophet ﷺ has referred the ownership of the property to the master.

733. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما that he heard Allāh's Apostle ﷺ saying, "Everyone of you is a guardian and is responsible for his charge; the ruler is a guardian and is responsible for his subjects; the man is a guardian in his family and responsible for his charges; a woman is a guardian of her husband's house and responsible for her charges; and the servant is a guardian of his master's property and is responsible for his charge." I definitely heard the above from the Prophet ﷺ and think that the Prophet ﷺ also said, "A man is a guardian of his father's property and responsible for his charge; so everyone of you is a guardian and responsible for his charge."

حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ زِيَادٍ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قَالَ: إذَا أَتَى أَحَدَكُمْ خَادِمُهُ بِطَعَامِهِ، فإنْ لَمْ يُجْلِسْهُ مَعَهُ فَلْيُنَاوِلْهُ لُقْمَةً أَوْ لُقْمَتَيْنِ، أَوْ أُكْلَةً أَوْ أُكْلَتَيْنِ، فإنَّهُ وَلِيَ عِلاجَهُ.

بابٌ - العَبْدُ رَاعٍ فِي مَالِ سَيِّدِهِ، وَنَسَبَ النَّبِيُّ صلى اللهُ عليه وسلَّم المَالَ إلى السَّيِّدِ.

٧٣٣ - حَدَّثَنَا أَبُو اليَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي سَالِمُ ابْنُ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّهُ سَمِعَ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم يَقُولُ: كُلُّكُمْ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ، فالإمَامُ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالرَّجُلُ فِي أَهْلِهِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالمَرْأَةُ فِي بَيْتِ زَوْجِهَا رَاعِيَةٌ وَهِيَ مَسْئُولَةٌ عَنْ رَعِيَّتِهَا. وَالخَادِمُ فِي مَالِ سَيِّدِهِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ. قَالَ: فَسَمِعْتُ هَؤُلاءِ مِنَ النَّبِيِّ صلى اللهُ عليه وسلَّم وَأَحْسِبُ النَّبِيَّ صلى اللهُ عليه وسلَّم قَالَ: وَالرَّجُلُ فِي مَالِ أَبِيهِ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ، فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ.

CHAPTER. If somebody beats a slave, he should spare his face.

734. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "If somebody fights (or beats somebody) then he should spare the face."

باب - إذا ضرب العبد فليجتنب الوجه.

٧٣٤ - حدثنى محمد بن عبيد الله: حدثنا ابن وهب قال: حدثنى مالك بن أنس قال: و أخبرنى ابن فلان، عن سعيد المقبرى، عن أبيه، عن أبى هريرة رضى الله عنه، عن النبى صلى الله عليه وسلم ح. و حدثنا عبد الله ابن محمد: حدثنا عبد الرزاق: أخبرنا معمر، عن همام، عن أبى هريرة رضى الله عنه، عن النبى صلى الله عليه وسلم قال: إذا قاتل أحدكم فليجتنب الوجه.

In the name of Allāh,
the most Beneficent, the most Merciful

CHAPTER. ABOUT MUKĀTAB

(A slave who binds himself to pay a certain equivalent for his freedom).

CHAPTER. The sin of one who falsely accuses his slave of sexual illegal intercourse.

CHAPTER. The Mukātab and the payment of his price by yearly instalment.

And Allāh's Statement :—

‘ And if any of your slaves
Seek a writing of (emancipation)
(To enable them to earn
Their freedom for a certain snm),
Give them such a writing of emancipation
If you know any good
In them ; and give them
Something yourself
Out of the means which
Allāh has given you.’

Narrated Ibn Juraij: I asked ʿAṭāʾ, “Will it be necessary for me to give a slave the writing of emancipation if I come to know that such a slave has money or property?” ʿAṭāʾ replied, “I consider it obligatory.”

ʿAmr bin Dinār asked ʿAṭāʾ, “Do you depend on a certain narration in your

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

بَابٌ فِى الْمُكَاتَبِ

بَابُ إِثْمِ مَنْ قَذَفَ مَمْلُوكَهُ .

بَابُ الْمُكَاتَبِ وَ نُجُومِهِ فِى كُلِّ سَنَةٍ نَجْمٌ

وَ قَوْلِهِ ـ وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَ آتُوهُمْ مِنْ مَالِ اللّٰهِ الَّذِى آتَاكُمْ ـ وَ قَالَ رَوْحٌ ، عَنِ ابْنِ جُرَيْجٍ : قُلْتُ لِعَطَاءٍ : أَوَاجِبٌ عَلَىَّ إِذَا عَلِمْتُ لَهُ مَالاً أَنْ أُكَاتِبَهُ ؟ قَالَ : مَا أُرَاهُ إِلاَّ وَاجِبًا . وَ قَالَ عَمْرُو ابْنُ دِينَارٍ : قُلْتُ لِعَطَاءٍ ، أَتَأْثُرُهُ عَنْ أَحَدٍ ؟ قَالَ : لا . ثُمَّ أَخْبَرَنِى أَنَّ مُوسَى ابْنَ أَنَسٍ أَخْبَرَهُ أَنَّ سِيرِينَ سَأَلَ أَنَسًا الْمُكَاتَبَةَ وَ كَانَ كَثِيرَ الْمَالِ فَأَبَى ، فَانْطَلَقَ إِلَى عُمَرَ رَضِىَ اللّٰهُ عَنْهُ فَقَالَ : كَاتِبْهُ فَأَبَى فَضَرَبَهُ بِالدِّرَّةِ وَ يَتْلُو عُمَرُ ـ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا ـ فَكَاتَبَهُ . وَ قَالَ اللَّيْثُ : حَدَّثَنِى يُونُسُ عَنِ ابْنِ شِهَابٍ : قَالَ عُرْوَةُ : قَالَتْ

verdict." He replied in the negative and added that Mūsa bin Anas told him that Sīrīn sought from Anas a writing of emancipation, and Sīrīn was a very rich slave, but Anas refused to grant him his desire. Sīrīn went to ʿUmar رضي الله عنه who ordered Anas to give him a writing of emancipation but Anas refused. ʿUmar beat Anas with his lash and recited :—

> 'Give them a writing of emancipation
> If you know any good in them.'

Anas then gave him a writing (of emancipation).

Narrated ʿAisha رضي الله عنها that Buraira came to seek her help in her writing of emancipation and she had to pay five Uqiyas (of gold) by five yearly instalments. Aisha said to her, "Do you think that if I pay the whole sum at once, your masters will sell you to me, and I will free you and your Walā(1) will be for me." Buraira went to her masters and told them about that offer. They said that they would not agree to it unless her Wala would be for them. Aisha further said, "I went to Allāh's Apostle ﷺ and told him about it." Allāh's Apostle ﷺ said to her, "Buy Buraira and manumit her and the Walā will be for the liberator." Allāh's Apostle ﷺ then got up and said, "What about those people who stipulate things that are

عائِشَةُ رَضِيَ اللهُ عَنها : إنَّ بَرِيرَةَ دَخَلَتْ عَلَيها تَسْتَعِينُها فى كِتابَتِها و عَلَيْها خَمْسَةُ أَواقِ نُجِّمَتْ عَلَيْها فى خَمْسِ سِنِينَ. فَقالَتْ لها عائِشَةُ و نَفِسَتْ فِيها : أرَأيْتِ إنْ عَدَدْتُ لهُمْ عَدَّةً واحِدَةً، أيَبِيعُكِ أهْلُكِ فأُعْتِقَكِ فَيَكُونُ ولاؤُكِ لى ؟ فَذَهَبَتْ بَرِيرَةُ إلى أهْلِها فعَرَضَتْ ذَلكَ عَلَيهِمْ فقالوا: لا ، إلاَّ أنْ يَكُونَ لَنا الوَلاءُ. قالَتْ عائِشَةُ : فَدَخَلْتُ عَلى رَسُولِ اللهِ صلى الله عليه وسلَّم فَذَكَرْتُ ذَلكَ لَهُ، فَقالَ لهَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : اشْتَرِيها فأعْتِقِيها فإنَّما الوَلاءُ لمَنْ أعْتَقَ . ثُمَّ قامَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فقالَ: ما بالُ رِجالٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فى كِتابِ اللهِ ؟ مَنِ اشْتَرَطَ شَرْطًا لَيْسَ فى كِتابِ اللهِ فَهُوَ باطِلٌ ، شَرْطُ اللهِ أحَقُّ و أوْثَقُ .

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(1) WALĀ : See the glossary.

not present in Allāh's Laws? If anybody stipulates a thing which is not in Allāh's Laws, what he stipulates is invalid. Allāh's conditions (laws) are the truth and are more solid."

CHAPTER. What conditions are permissible for a writing of emancipation, and whoever stipulates things that are not (present) in Allāh's Book (i. e. not in accordance with Allāh's Laws).

Ibn ʿUmar narrated the above.

بابُ مايَجُوزُ من شُرُوطِ المُكاتِبِ، ومَنِ اشْتَرَطَ شَرْطا لَيْسَ فى كِتابِ اللهِ، فيهِ عَنِ ابنِ عُمَرَ.

735. Narrated ʿUrwa that ʿAisha رضي الله عنها told him that Buraira came to seek her help in her writing of emancipation (for a certain sum) and that time she had not paid anything of it. ʿAisha said to her, "Go back to your masters, and if they agree that I will pay the amount of your writing of emancipation and get your Wala, I will do so." Buraira informed her masters of that but they refused and said, "If she (i.e. ʿAisha) is seeking Allāh's reward, then she can do so, but your Wala will be for us." ʿAisha mentioned that to Allāh's Apostle ﷺ who said to her, "Buy and manumit her, as the Walā' is for the liberator." Allāh's Apostle ﷺ then got up and said, "What about the people who stipulate things which are not present in Allāh's Laws? Whoever imposes conditions which are not present in Allāh's Laws, then those conditions will be invalid, even if he imposed those conditions a hundred times. Allāh's conditions (Laws) are the truth and are more solid."

٧٣٥ ـ حدَّثَنا قُتَيْبَةُ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ: أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها أخْبَرَتْهُ أنَّ بَرِيرَةَ جاءَتْ تَسْتَعِينُها فى كِتابَتِها ولم تَكُنْ قَضَتْ مِنْ كِتابَتِها شَيْئًا، قالَتْ لهَا عائِشَةُ: ارْجِعى إلى أهْلِكِ فإنْ أحَبُّوا أنْ أقْضِيَ عَنْكِ كِتابَتَكِ ويَكُونَ ولاؤُكِ لى فَعَلْتُ. فذَكَرَتْ ذَلكَ بَرِيرَةُ لأهْلِها فأبَوْا فقالُوا: إنْ شاءَتْ أنْ تَحْتَسِبَ عَلَيْكِ فلْتَفْعَلْ، ويَكُونُ وَلاؤُكِ لَنا. فذَكَرَتْ ذَلكَ لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فقالَ لهَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: ابْتاعِى فأعْتِقِى فإنَّما الوَلاءُ لِمَنْ أعْتَقَ. قالَ: ثُمَّ قامَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فقالَ: ما بالُ أُناسٍ يَشْتَرِطُونَ شُرُوطا لَيْسَتْ فى كِتابِ اللهِ؟ مَنِ اشْتَرَطَ شَرْطا لَيْسَ فى كِتابِ اللهِ فلَيْسَ لَهُ وإنْ شَرَطَ مائَةَ مَرَّةٍ، شَرْطُ اللهِ أحَقُّ وأوْثَقُ.

736. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : ʿĀisha رضي الله عنها wanted to buy a slave-girl in order to manumit her. The girl's masters stipulated that her Walā' would be for them. Allāh's Apostle ﷺ said (to ʿĀisha), "What they stipulate should not stop you, for the Walā' is for the liberator."

CHAPTER. Al-Mukātab is permitted to ask others to help him (get his liberation).

737. Narrated Hishām's father from ʿĀisha رضي الله عنها : Buraira came (to ʿĀisha) and said, "I have made a contract of emancipation with my masters for nine Uqiyas (of gold) to be paid in yearly instalments. Therefore, I seek your help." ʿĀisha said, "If your masters agree, I will pay them the sum at once and free you on condition that your Walā' will be for me." Buraira went to her masters but they refused that offer. She (came back) and said, "I presented to them the offer but they refused, unless the Walā' was for them." Allāh's Apostle ﷺ heard of that and asked ʿĀisha about it, and she told him about it. On that he said, "Buy and manumit her and stipulate that the Walā' should be for you, as Walā' is for the liberator." ʿĀisha added, "Allāh's Apostle ﷺ then got up amongst the people, Glorified and Praised Allāh, and said,

٧٣٦ ـ حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أَخْبَرَنا مالِكٌ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: أَرادَتْ عائِشَةُ رَضِيَ اللهُ عَنْها أَنْ تَشْتَرِيَ جارِيَةً لِتُعْتِقَها، فَقالَ أَهْلُها: عَلَى أَنَّ وَلاءَها لَنا، قالَ رَسُولُ اللهِ صلى الله عليه وسلَّم: لا يَمْنَعُكِ ذَلِكِ فإِنَّما الوَلاءُ لِمَنْ أَعْتَقَ.

باب اسْتِعانَةِ المُكاتَبِ وسُؤالِهِ النَّاسَ.

٧٣٧ ـ حَدَّثَنا عُبَيْدُ بنُ إِسماعِيلَ: حدثَنا أَبُو أُسامَةَ، عَنْ هِشامٍ، عَنْ أَبِيهِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها قالَتْ: جاءَتْ بَرِيرَةُ، فَقالَتْ: إِنِّي كاتَبْتُ أَهْلِي عَلَى تِسْعِ أَواقٍ فِي كُلِّ عامٍ أُوقِيَّةٌ فَأَعِينِينِي. فَقالَتْ عائِشَةُ: إِنْ أَحَبَّ أَهلُكِ أَنْ أَعُدَّها لَهُمْ عَدَّةً واحِدَةً وأُعْتِقَكِ فَعَلْتُ و يَكُونُ وَلاؤُكِ لِي. فَذَهَبَتْ إِلى أَهْلِها فأَبَوْا ذَلِكَ عَلَيْها، فَقالَتْ: إِنِّي قَدْ عَرَضْتُ ذَلِكَ عَلَيْهِمْ فأَبَوْا إِلاَّ أَنْ يَكُونَ الوَلاءُ لَهُمْ. فَسَمِعَ بِذَلِكَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَسَأَلَنِي فأَخْبَرْتُهُ فَقالَ: خُذِيها فأَعْتِقِيها واشْتَرِطِي لَهُمُ الوَلاءَ فإِنَّ الوَلاءَ لِمَنْ أَعْتَقَ. قالَتْ عائِشَةُ: فَقامَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فِي النَّاسِ فَحَمِدَ اللهَ وأَثْنَى

'Then after: What about some people who impose conditions which are not present in Allāh's Laws? So, any condition which is not present in Allāh's Laws is invalid even if they were one-hundred conditions. Allāh's ordinance is the truth, and Allāh's condition is stronger and more solid. Why do some men from you say, 'O so-and-so! manumit the slave but the Wala will be for me?' Verily, the Walā' is for the liberator.' "

عَلَيْهِ، ثُمَّ قَالَ: أَمَّا بَعْدُ، مَا بَالُ رِجَالٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِى كِتَابِ اللهِ؟ فَأَيُّمَا شَرْطٍ كَانَ لَيْسَ فِى كِتَابِ اللهِ فَهُوَ بَاطِلٌ وَإِنْ كَانَ مِائَةَ شَرْطٍ. فَقَضَاءُ اللهِ أَحَقُّ وَشَرْطُ اللهِ أَوْثَقُ، مَا بَالُ رِجَالٍ مِنْكُمْ يَقُولُ أَحَدُهُمْ: أَعْتِقْ يَا فُلَانُ وَلِىَ الْوَلَاءُ، إِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ.

CHAPTER. The selling of a Mukātab on his agreement.

بَابُ بَيْعِ الْمُكَاتَبِ إِذَا رَضِىَ.

ʿAisha said, "A Mukātab remains a slave as long as he has not paid the whole amount." Zaid bin Thābit said, "He remains a slave even if he owed one Dirham." Ibn ʿUmar said, "He remains a slave whether living or dead or became insane, so long as he still has to pay something (from the writing of emancipation)."

وَقَالَتْ عَائِشَةُ: هُوَ عَبْدٌ مَا بَقِىَ عَلَيْهِ شَىْءٌ. وَقَالَ زَيْدُ بْنُ ثَابِتٍ: مَا بَقِىَ عَلَيْهِ دِرْهَمٌ. وَقَالَ ابْنُ عُمَرَ: هُوَ عَبْدٌ إِنْ عَاشَ وَإِنْ مَاتَ وَإِنْ جَنَى مَا بَقِىَ عَلَيْهِ شَىْءٌ.

738. Narrated ʿAmra bint ʿAbdur-Raḥmān: Buraira went to Aisha, the mother of the faithful believers رضي الله عنها, to seek her help in her emancipation. ʿAisha said to her, "If your masters agree, I will pay them your price in a lump sum and manumit you." Buraira mentioned that offer to her masters but they refused to sell her unless the Wala was for them. ʿAisha told Allāh's Apostle ﷺ about it. He said, "Buy and manumit her as the Walā' is for the liberater."

٧٣٨ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ: أَنَّ بَرِيرَةَ جَاءَتْ تَسْتَعِينُ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ رَضِىَ اللهُ عَنْهَا، فَقَالَتْ لَهَا: إِنْ أَحَبَّ أَهْلُكِ أَنْ أَصُبَّ لَهُمْ ثَمَنَكِ صَبَّةً وَاحِدَةً وَأُعْتِقَكِ فَعَلْتُ. فَذَكَرَتْ بَرِيرَةُ ذٰلِكَ لِأَهْلِهَا فَقَالُوا: لَا، إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَنَا، قَالَ مَالِكٌ:

قالَ يَحْيَى: فَزَعَمَتْ عَمْرَةُ أنَّ عائِشَةَ ذَكَرَتْ ذَلِكَ لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: اشْتَرِيها و أعْتِقِيها، فإنَّما الوَلاءُ لِمَنْ أعْتَقَ.

CHAPTER. If a Mukātab slave askes somebody to buy and free him, it is permissible for that person to buy him.

باب - إذا قالَ المُكاتَبُ اشْتَرِنِي و أعْتِقْنِي فاشْتَرَاهُ لِذَلِكَ.

739. Narrated ʿAbdul Wāḥid bin Aiman: I went to ʿĀisha رضي الله عنها and said, "I was the slave of Utba bin Abū Lahab. ʿUtba died and his sons became my masters who sold me to Ibn Abū ʿAmr who manumitted me. The sons of ʿUtba stipulated that my Walā᾽ should be for them." ʿĀisha said, "Buraira came to me and she was given the writing of emancipation by her masters and she asked me to buy and manumit her. I agreed to it, but Buraira told me that her masters would not sell her unless her Walā᾽ was for them." ʿĀisha said, "I am not in need of that." When the Prophet ﷺ heard that, or he was told about it, he asked ʿĀisha about it. ʿĀisha mentioned what Buraira had told her. The Prophet ﷺ said, "Buy and manumit her and let them stipulate whatever they like." So, ʿĀisha bought and manumitted her and her masters stipulated that her Walā᾽ should be for them." The Prophet ﷺ said, "The Walā᾽ will be for the liberator even if they stipulated a hundred conditions."

٧٣٩ - حدَّثَنا أبُو نُعَيمٍ: حدَّثَنا عَبْدُ الوَاحِدِ بنُ أيْمَنَ قالَ: دَخَلْتُ عَلَى عائِشَةَ رَضِيَ اللهُ عَنْها فَقُلْتُ: كُنْتُ غُلاما لِعُتْبَةَ بنِ أبي لَهَبٍ و ماتَ وَوَرِثَنِي بَنُوهُ، وَإنَّهُمْ باعُونِي مِنِ ابنِ أبي عَمْرٍو فأعْتَقَنِي ابنُ أبي عَمْرٍو، واشْتَرَطَ بَنُو عُتْبَةَ الوَلاءَ فَقالَتْ: دَخَلَتْ بَرِيرَةُ و هِيَ مُكاتَبَةٌ فَقالَتْ اشْتَرِينِي. قالَتْ: نَعَمْ، قالَتْ: لا يَبِيعُونِي حتَّى يَشْتَرِطُوا وَلائِي. فَقالَتْ: لا حاجَةَ لِي بِذَلِكَ، فَسَمِعَ بِذَلِكَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم أوْ بَلَغَهُ فَذَكَرَ ذَلِكَ لِعائِشَةَ، فَذَكَرَتْ عائِشَةُ ما قالَتْ لَها، فَقالَ، اشْتَرِيها فأعْتِقِيها و دَعِيهِمْ يَشْتَرِطُوا ما شاءُوا فاشْتَرَتْها عائِشَةُ فأعْتَقَتْها واشْتَرَطَ أهْلُها الوَلاءَ. فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: الوَلاءُ لِمَنْ أعْتَقَ و إنِ اشْتَرَطُوا مائَةَ شَرْطٍ.

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF GIFTS AND THE SUPERIORITY OF GIVING GIFTS AND THE EXHORTATION FOR GIVING GIFTS

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

كتاب الهبة و فضلها والتحريض عليها

740. Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "O Muslim women! None of you should look down upon the gift sent by her she-neighbour even if it were the trotters of the sheep (fleshless part of foot)."

٧٤٠ ـ حدَّثَنا عاصِمُ بنُ عَلِيٍّ : حدَّثَنا ابنُ أبي ذِئْبٍ ، عَنِ المَقْبُرِيِّ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : يا نِساءَ المُسْلِماتِ ، لا تَحْقِرَنَّ جارَةٌ لِجارَتِها ولَوْ فِرْسِنَ شاةٍ .

741. Narrated ʿUrwa: ʿAisha رضي الله عنها said to me, "O my nephew! We used to see the crescent after the crescent and in this way we saw three crescents in two months and no fire (for cooking) was lit in the houses of Allāh's Apostle ﷺ I said, "O my aunt! Then what sustained you?" ʿAisha said, "The two black things: dates and water. But some Anṣārī people were living in the neighbourhood of Allāh's Apostle ﷺ and they had some Manāiʾḥ(1) and they used to present

٧٤١ ـ حدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ الأُوَيْسِيُّ : حدَّثَنا ابنُ أبي حازِمٍ ، عَنْ أبِيهِ ، عَنْ يَزِيدَ بنِ رُومانَ ، عَنْ عُرْوَةَ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها : أنَّها قالَتْ لِعُرْوَةَ : ابنَ أُخْتِي ، إنْ كُنَّا لَنَنْظُرُ إلى الهِلالِ ، ثُمَّ الهِلالِ ثُمَّ الهِلالِ ثَلاثَةَ أهِلَّةٍ في شَهْرَيْنِ وما أُوقِدَتْ في أبْياتِ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم نارٌ ، فَقُلْتُ : يا خالَةُ ، ما كانَ

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(1) Manāiʾḥ is the plural of Manīḥa which means a special sort of gift in the form of a she-camel or a sheep which is given temporarily so that its milk may be used and then it is returned to the owner.

Allāh's Apostle ﷺ some of their milk and he would give it to us to drink."

CHAPTER. Giving a little as a gift.

742. Narrated Abū Huraira ؓ : The Prophet ﷺ said, "I shall accept the invitation even if I were invited to a meal of a sheep's trotter, and I shall accept the gift even if it were an arm or a trotter of a sheep.

CHAPTER. Whoever asks his friends to grant him a gift.

Narrated Abū Sa'īd that the Prophet ﷺ said, "Fix a share for me with you."

743. Narrated Sahl ؓ : The Prophet ﷺ sent for a woman from the emigrants and she had a slave who was a carpenter. The Prophet ﷺ said to her "Order your slave to prepare the wood for the pulpit." So, she ordered her slave who went and cut the wood from the tamarisk and prepared the pulpit, for the Prophet ﷺ . When he finished

يُعِيشُكُمْ؟ قَالَتْ: الأَسْوَدَانِ: التَّمْرُ وَالمَاءُ، إِلاَّ أَنَّهُ قَدْ كَانَ لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم جِيرَانٌ مِنَ الأَنْصَارِ كَانَتْ لَهُمْ مَنَائِحُ، وَ كَانُوا يَمْنَحُونَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم مِنْ أَلْبَانِهِمْ فَيَسْقِينَاهُ.

بابُ القَلِيلِ مِنَ الهِبَةِ.

٧٤٢ - حَدَّثَنَا مُحَمَّدُ بنُ بَشَّارٍ: حَدَّثَنَا ابنُ أَبِي عَدِيٍّ، عَنْ شُعْبَةَ، عَنْ سُلَيْمَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قَالَ: لَوْ دُعِيتُ إِلَى ذِرَاعٍ أَوْ كُرَاعٍ لأَجَبْتُ، وَلَوْ أُهْدِيَ إِلَيَّ ذِرَاعٌ أَوْ كُرَاعٌ لَقَبِلْتُ.

بابُ مَنِ اسْتَوْهَبَ مِنْ أَصْحَابِهِ شَيْئًا.

وَقَالَ أَبُو سَعِيدٍ: قَالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: اضْرِبُوا لِي مَعَكُمْ سَهْمًا.

٧٤٣ - حَدَّثَنَا ابنُ أَبِي مَرْيَمَ: حَدَّثَنَا أَبُو غَسَّانَ قَالَ: حَدَّثَنِي أَبُو حَازِمٍ، عَنْ سَهْلٍ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم أَرْسَلَ إِلَى امْرَأَةٍ مِنَ المُهَاجِرِينَ وَ كَانَ لَهَا غُلَامٌ نَجَّارٌ، قَالَ لَهَا: مُرِي عَبْدَكِ فَلْيَعْمَلْ لَنَا أَعْوَادَ المِنْبَرِ. فَأَمَرَتْ عَبْدَهَا فَذَهَبَ فَقَطَعَ

the pulpit, the woman informed the Prophet ﷺ that it had been finished. The Prophet ﷺ asked her to send that Prophet ﷺ so they brought it. The pulpit to him, lifted it and placed it at the place which you see now."

744. Narrated ʿAbdullāh bin Abū Qatāda Al-Aslamī that his father رضي الله عنه said, "One day I was sitting with some of the Prophet's companions on the way to Mecca. Allāh's Apostle ﷺ was ahead of us. All were in the state of Iḥrām but I was not. They saw an onager while I was busy repairing my shoes, so they did not tell me about it but they wished I had seen it. By chance I looked up and saw it. So, I turned to the horse, saddled it and rode on it, forgetting to take the spear and the whip. I asked them to hand me the whip and the spear but they said, 'No, by Allāh, we shall not help you in that in any way.' I became angry and got down from the horse, picked up both the things and rode the horse again. I attacked the onager and wounded it and brought it, and by that time it had been dead. They took it (cooked some of it) and started eating it, but they doubted whether it was allowed for them to eat it or not, as they were in the state of Iḥrām. So, we proceeded and I hid with me one of its arms. When we met Allāh's Apostle ﷺ and asked

مِنَ الطَّرْفَاءِ فَصَنَعَ لَهُ مِنْبَرًا. فَلَمَّا قَضَاهُ أَرْسَلَتْ إِلَى النَّبِيِّ صلى الله عليه وسلم أَنَّهُ قَدْ قَضَاهُ، قَالَ صلى الله عليه وسلم: أَرْسِلِي بِهِ إِلَيَّ، فَجَاءُوا بِهِ فَاحْتَمَلَهُ النَّبِيُّ صلى الله عليه وسلم فَوَضَعَهُ حَيْثُ تَرَوْنَ.

٧٤٤ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ جَعْفَرٍ، عَنْ أَبِي حَازِمٍ، عَنْ عَبْدِ اللهِ بْنِ أَبِي قَتَادَةَ السَّلَمِيِّ، عَنْ أَبِيهِ رَضِيَ اللهُ عَنْهُ قَالَ: كُنْتُ يَوْمًا جَالِسًا مَعَ رِجَالٍ مِنْ أَصْحَابِ النَّبِيِّ فِى مَنْزِلٍ فِى طَرِيقِ مَكَّةَ، وَرَسُولُ اللهِ صلى الله عليه وسلم نَازِلٌ أَمَامَنَا وَالْقَوْمُ مُحْرِمُونَ وَأَنَا غَيْرُ مُحْرِمٍ، فَأَبْصَرُوا حِمَارًا وَحْشِيًّا، وَأَنَا مَشْغُولٌ أَخْصِفُ نَعْلِي فَلَمْ يُؤْذِنُونِي بِهِ، وَأَحَبُّوا لَوْ أَنِّي أَبْصَرْتُهُ، فَالْتَفَتُّ فَأَبْصَرْتُهُ فَقُمْتُ إِلَى الْفَرَسِ فَأَسْرَجْتُهُ ثُمَّ رَكِبْتُ وَنَسِيتُ السَّوْطَ وَالرُّمْحَ، فَقُلْتُ لَهُمْ: نَاوِلُونِي السَّوْطَ وَالرُّمْحَ، فَقَالُوا لَا، وَاللهِ لَا نُعِينُكَ عَلَيْهِ بِشَيْءٍ. فَغَضِبْتُ فَنَزَلْتُ فَأَخَذْتُهُمَا ثُمَّ رَكِبْتُ فَشَدَدْتُ عَلَى الْحِمَارِ فَعَقَرْتُهُ ثُمَّ جِئْتُ بِهِ وَقَدْ مَاتَ فَوَقَعُوا فِيهِ يَأْكُلُونَهُ، ثُمَّ إِنَّهُمْ شَكُّوا فِى أَكْلِهِمْ إِيَّاهُ وَهُمْ حُرُمٌ، فَرُحْنَا وَخَبَأْتُ

him about the case, he asked, 'Do you have a portion of it with you?' I replied in the affirmative and gave him that fleshy arm which he ate completely while he was in the state of Iḥrām.

العَضُدَ مَعِي . فأدْرَكْنا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فسَألْناهُ عَنْ ذَلكَ فقالَ: معَكُمْ مِنْهُ شَيْءٌ؟ فقُلْتُ: نَعَمْ ، فناوَلْتُهُ العَضُدَ فأكَلَها حتَّى نَفَّدَها وهُوَ مُحْرِمٌ . فحَدَّثَني بِهِ زَيْدُ بنُ أسْلَمَ ، عَنْ عَطاءِ بنِ يَسارٍ ، عَنْ أبي قَتادَةَ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم .

CHAPTER. Whoever asks others to give him water.

Narrated Sahl: The Prophet ﷺ said to me, "Give me water to drink-"

باب مَنِ استَسْقى ، وقالَ سَهْلٌ:

قالَ لِيَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: اسْقِني.

745. Narrated Anas ؓ: Once Allāh's Apostle ﷺ visited us in this house of ours and asked for something to drink. We milked one of our sheep and mixed it with water from this well of ours and gave it to him. Abū Bakr was sitting on his left side and ʿUmar in front of him and a bedouin on his right side. When Allāh's Apostle ﷺ finished, ʿUmar said to Allāh's Apostle ﷺ, "Here is Abū Bakr." But Allāh's Apostle ﷺ gave the remaining milk to the bedouin and said twice, "The (persons on the) right side! So, start from the right side." Anas added, "It is a Sunna (tradition)," and repeated it thrice.

٧٤٥ - حدَّثَنا خالِدُ بنُ مَخْلَدٍ: حدَّثَنا سُلَيمانُ بنُ بِلالٍ: حدَّثَني أبُوطُوالَةَ قالَ: سَمِعْتُ أنَسًا رَضِيَ اللهُ عَنْهُ يَقُولُ: أتانا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم في دارِنا هذهِ فاسْتَسْقى فحَلَبْنا لَهُ شاةً لَنا، ثُمَّ شِبْتُهُ مِنْ ماءِ بِئْرِنا هذهِ فأعْطَيْتُهُ، وأبُو بَكْرٍ عَنْ يَسارِهِ وعُمَرُ تُجاهَهُ وأعْرابيٌّ عَنْ يَمينِهِ. فلَمَّا فَرَغَ قالَ عُمَرُ: هذا أبُو بَكْرٍ، فأعْطَى الأعْرابيَّ فَضْلَهُ ثُمَّ قالَ: الأيْمَنُونَ الأيْمَنُونَ، ألا فيَمِّنُوا. قالَ أنَسٌ: فهِيَ سُنَّةٌ، فهِيَ سُنَّةٌ، ثَلاثَ مَرَّاتٍ.

CHATER. Accepting the gift of game.

The Prophet ﷺ accepted the fleshy arm of the game from Abu Qatada.

746. Narrated Anas ؓ : We chased a rabbit at Mar-al-Zahrān and the people ran after it but were exhaused. I overpowered and caught it, and gave it to Abū Ṭalḥā who slaughtered it and sent its hip or two thighs to Allāh's Apostle ﷺ . (The narrator confirms that he sent two thighs.) The Prophet ﷺ accepted that. (The sub-narrator asked Anas, "Did the Prophet ﷺ eat from it?" Anas replied, "He ate from it.")

CHAPTER. The acceptance of a gift.

747. Narrated As-Sa'b bin Jaththāma ؓ : An onager was presented to Allāh's Apostle ﷺ at the place called Al-Abwā' or Waddān, but Allāh's Apostle ﷺ rejected it. When the Prophet ﷺ noticed the signs of sorrow on the giver's face he said, "We have not rejected your gift, but we are in the state of Iḥrām."

CHAPTER. The accpetance of a gift.

بابُ قُبُولِ هَدِيَّةِ الصَّيْدِ.

و قَبِلَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم مِنْ أبي قَتَادَةَ عَضُدَ الصَّيْدِ.

٧٤٦ ـ حدَّثَنا سُلَيمانُ بنُ حَرْبٍ: حدَّثَنا شُعْبَةُ، عَنْ هِشامِ بنِ زَيْدِ بنِ أنَسِ بنِ مالكٍ، عَنْ أنَسٍ رَضِىَ اللهُ عَنْهُ قالَ: أنْفَجْنا أرْنبًا بِمَرِّ الظَّهْرَانِ فَسَعَى القَوْمُ فَلَغَبُوا فأدْرَكْتُها فأخَذْتُها فأتَيْتُ بِها أبا طَلْحَةَ فَذَبَحَها، و بَعَثَ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم بِوَرِكِها أوْ فَخِذَيْها. قالَ فَخِذَيْها لا شَكَّ فِيهِ، فَقَبِلَهُ. قُلْتُ: و أكَلَ مِنْهُ؟ قالَ: و أكَلَ مِنْهُ، ثُمَّ قالَ بَعْدُ: قَبِلَهُ.

بابُ قُبُولِ الهَدِيَّةِ.

٧٤٧ ـ حدَّثَنا إسمَاعيلُ قالَ: حدَّثَنى مالكٌ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ ابنِ عَبْدِ اللهِ بنِ عُتْبَةَ بنِ مَسْعُودٍ، عَنْ عَبْدِ اللهِ بنِ عَبَّاسٍ، عَنِ الصَّعْبِ ابنِ جَثَّامَةَ رَضِىَ اللهُ عَنْهُمْ: أنَّهُ أُهْدَى لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم حِمارًا وَحْشِيًّا وهُوَ بالأبْوَاءِ أوْ بِوَدَّانَ فَرَدَّ عَلَيْهِ، فَلَمَّا رَأى ما وجْهِهِ قالَ: أما إنَّا لمْ نَرُدَّهُ عَلَيْكَ إلا أنَّا حُرُمٌ.

بابُ قَبُولِ الهَدِيَّةِ.

748. Narrated Hishām from his father from ʿAisha رضي الله عنها : The people used to look forward to ʿAisha's day to send gifts to Allāh's Apostle ﷺ in order to satisfy and please him.

٧٤٨ - حدَّثنا إبراهيمُ بنُ موسى: حدَّثنا عَبْدَةُ: حدَّثنا هِشامٌ، عَنْ أبيهِ، عَنْ عائشةَ رَضِيَ اللهُ عَنْها: أنَّ النَّاسَ كانُوا يَتَحَرَّوْنَ بِهَدَاياهُمْ يَوْمَ عائشةَ يَبْتَغُونَ بِها، أوْ يَبْتَغُونَ بِذَلِكَ مَرْضاةَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم.

749. Narrated Saʿid bin Jubair from Ibn ʿAbbās رضي الله عنهما : Um Hufaid, Ibn ʿAbbās's aunt sent some dried yoghurt (butter free), ghee (butter) and a mastigar to the Prophet ﷺ as a gift. The Prophet ﷺ ate the dried yoghurt and butter but left the mastigar because he disliked it. Ibn ʿAbbās said, "The mastigar was eaten at the table of Allāh's Apostle ﷺ and if it had been illegal to eat, it could not have been eaten at the table of Allāh's Apostle ﷺ."

٧٤٩ - حدَّثنا آدَمُ: حدَّثنا شُعْبَةُ: حدَّثنا جَعْفَرُ بنُ إياسٍ قالَ: سَمِعْتُ سَعيدَ بنَ جُبَيرٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: أهْدَتْ أُمُّ حُفَيْدٍ خالَةُ ابنِ عَبَّاسٍ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم أقِطًا وسَمْنًا وأضُبًّا، فأكَلَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم مِنَ الأقِطِ والسَّمْنِ وتَرَكَ الأضُبَّ تَقَذُّرًا. قالَ ابنُ عَبَّاسٍ: فأُكِلَ عَلَى مائِدَةِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم ولَوْ كانَ حَرَامًا ما أُكِلَ عَلَى مائِدَةِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم.

750. Narrated Abū Huraira رضي الله عنه : Whenever a meal was brought to Allāh's Apostle ﷺ he would ask whether it was a gift or Ṣadaqa (something given in charity). If he was told that it was Ṣadaqa, he would tell his companions to eat it, but if it was a gift, he would hurry to share it with them.

٧٥٠ - حدَّثنا إبراهيمُ بنُ المُنْذِرِ: حدَّثنا مَعْنٌ قالَ: حدَّثَني إبراهيمُ ابنُ طَهْمانَ، عَنْ مُحَمَّدِ بنِ زِيادٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم إذا أُتِيَ بِطَعامٍ سَأَلَ عَنْهُ: أهَدِيَّةٌ أمْ صَدَقَةٌ؟ فإنْ قِيلَ صَدَقَةٌ قالَ لأصْحابِهِ كُلُوا ولَمْ يأكُلْ، وإنْ قِيلَ هَدِيَّةٌ ضَرَبَ بِيَدِهِ صلى اللهُ عليهِ وسلَّم فأكَلَ مَعَهُمْ.

751. Narrated Anas bin Mālik ﵁ : Some meat was brought to the Prophet ﷺ and it was said that the meat had been given in charity to Buraira. He said, "It was Ṣadaqa for Buraira but a gift for us."

٧٥١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللهُ عَنْهُ قَالَ: أُتِيَ النَّبِيُّ صلى الله عليه وسلم بِلَحْمٍ، فَقِيلَ تُصُدِّقَ عَلَى بَرِيرَةَ، قَالَ: هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ».

752. Narrated ʿĀisha ﵂ : I intented to buy Buraira but her masters stipulated that her Wala should be for them. When the Prophet ﷺ was told about it, he said to me, "Buy and manumit her, as the Walā᾽ is for the liberator." Once Buraira was given some meat, and the Prophet ﷺ asked, "What is this?" I said, "It has been given to Buraira in charity." He said, "It is Sadaqa for her but a gift for us." Buraira was given the option (to stay with her husband or to part with him). ʿAbdur-Raḥmān (a sub-narrator) wondered, "Was her husband a slave or a free man?" Shuʿba (another sub-narrator) said, "I asked ʿAbdur-Raḥmān whether her husband was a slave or a free man. He replied that he did not know whether he was a slave or a free man."

٧٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا غُنْدَرٌ، خَدَّثَنَا شُعْبَةُ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ قَالَ: سَمِعْتُهُ مِنْهُ عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا: أَنَّهَا أَرَادَتْ أَنْ تَشْتَرِيَ بَرِيرَةَ وَأَنَّهُمُ اشْتَرَطُوا وَلَاءَهَا، فَذُكِرَ لِلنَّبِيِّ صلى الله عليه وسلم فَقَالَ النَّبِيُّ صلى الله عليه وسلم: اشْتَرِيهَا فَأَعْتِقِيهَا، فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ. وَأُهْدِيَ لَهَا لَحْمٌ فَقَالَ النَّبِيُّ صلى الله عليه وسلم: مَا هَذَا؟ قُلْتُ: تُصُدِّقَ عَلَى بَرِيرَةَ، فَقَالَ: هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ. وَخُيِّرَتْ بَرِيرَةُ، قَالَ عَبْدُ الرَّحْمَنِ زَوْجُهَا حُرٌّ أَوْ عَبْدٌ؟ قَالَ شُعْبَةُ: سَأَلْتُ عَبْدَ الرَّحْمَنِ عَنْ زَوْجِهَا لَا أَدْرِي أَحُرٌّ أَمْ عَبْدٌ؟.

753. Narrated Um ʿAṭiyya ﵂ : Once the Prophet ﷺ went to ʿĀisha and asked her whether she had something (to eat).

٧٥٣ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ أَبُو الْحَسَنِ: أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ اللهِ، عَنْ خَالِدٍ الْحَذَّاءِ، عَنْ حَفْصَةَ بِنْتِ

She said that she had nothing except the mutton which Um ʿAṭiyya had sent to (Buraira) in charity. The Prophet ﷺ said that it had reached its destination (i.e. it is no longer an object of charity.)

سِيرِينَ ، عَنْ أُمِّ عَطِيَّةَ قالَتْ: دَخَلَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم عَلَى عائِشَةَ رَضِيَ اللهُ عَنها فَقَالَ لَهَا: عِنْدَكُمْ شَيْءٌ قالَتْ: لا، إلاَّ شَيْءٌ بَعَثَتْ بِهِ أُمُّ عَطِيَّةَ مِنَ الشَّاةِ الَّتِي بَعَثْتَ إلَيها مِنَ الصَّدَقَةِ ، قالَ: إنَّهُ قَدْ بَلَغَتْ مَحِلَّها.

CHAPTER. If somebody gives a gift to a friend and chooses the time when he is in the home of a certain wife rather than his other wives.

بابُ مَنْ أهْدَى إلى صاحِبِهِ ، و تَحرَّى بَعْضَ نِسائِهِ دُونَ بَعْضٍ .

754. Narrated ʿAisha رضي الله عنها : The people used to send gifts to the Prophet ﷺ on my turn. Um Salama said that the other wives of the Prophet ﷺ gathered and she complainted to the Prophet ﷺ on their behalf but he remained silent.

٧٥٤ ـ حدَّثَنا سُلَيمانُ بنُ حَرْبٍ : حدَّثَنَا حَمَّادُ بنُ زَيْدٍ ، عَنْ هِشامٍ ، عَنْ أبِيهِ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها قالَتْ: كانَ النَّاسُ يَتَحَرَّوْنَ بِهَدَاياهُمْ يَوْمِي ، و قالَتْ أُمُّ سَلَمَةَ : إنْ صَوَاحِبِي اجْتَمَعْنَ فَذَكَرْتُ لَهُ فأعْرَضَ عَنها .

755. Narrated ʿUrwa from ʿAisha رضي الله عنها : The wives of Allāh's Apostle ﷺ were in two groups. One group consisted of ʿAisha, Ḥafṣa, Ṣafiyya and Sauda; and the other group consisted of Um Salama and the other wives of Allāh' Apostle ﷺ . The Muslims knew that Allāh's Apostle loved ʿAisha, so if any of them had a gift and wished to give it to Allāh's Apostle ﷺ , he would delay it,

٧٥٥ ـ حدَّثَنا إسْمَاعِيلُ: قالَ حدَّثَنِي أخِي، عَنْ سُلَيمانَ ، عَنْ هِشامِ ابنِ عُرْوَةَ ، عَنْ أبِيهِ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها: أنَّ نِساءَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم كُنَّ حِزْبَينِ: فَحِزْبٌ فِيهِ عائِشَةُ وحَفْصَةُ وصَفِيَّةُ وسَوْدَةُ. والحِزْبُ الآخَرُ: أُمُّ سَلَمَةَ وسائِرُ نِساءِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم. و كانَ

and when Allāh's Apostle ﷺ had come to ʿAisha's home, the giver would send his gift to Allāh's Apostle ﷺ in her home. The group of Um Salama discussed the matter together and decided that Um Salama should request Allāh's Apostle ﷺ to tell the people to send their gifts to him in whatever wife's house he was. Um Salama told Allāh's Apostle ﷺ of what they had said, but he did not reply. Then those wives asked Um Salama who said, "He did not say anything to me." They asked her to talk to him again. She talked to him again when she met him on her day, but he gave no reply. When they asked her, she replied that he had given no reply. They said to her, "Talk to him till he gives you a reply." When it was her turn to be with him, she talked to him again. He then said to her, "Do not hurt me regarding ʿAisha, as the Divine Inspiration never comes to me on any of the beds except that of ʿAisha." On that Um Salama said, "I repent to Allāh for hurting you." Then the group of Um Salama called Fatima, the daughter of Allāh's Apostle ﷺ and sent her to Allāh's Apostle ﷺ to say to him, "Your wives request to treat them and the daughter of Abu Bakr on equal terms." Then Fatima conveyed the message to him. The Prophet ﷺ said, "O my daughter! Don't you love whom I love?" She

الْمُسْلِمُونَ قَدْ عَلِمُوا حُبَّ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم عائِشَةَ، فإذَا كانَتْ عِنْدَ أحَدِهِمْ هَدِيَّةٌ يُرِيدُ أنْ يُهْدِيَهَا إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم أخَّرَهَا حَتَّى إذَا كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فى بَيْتِ عائِشَةَ بَعَثَ صَاحِبُ الهَدِيَّةِ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فى بَيْتِ عائِشَةَ، فَكَلَّمَ حِزْبُ أُمِّ سَلَمَةَ فَقُلْنَ لهَا: كَلِّمِى رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يُكَلِّمُ النَّاسَ فَيَقُولُ: مَنْ أرَادَ أنْ يُهْدِىَ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم هَدِيَّةٌ فَلْيُهْدِهَا إلَيْهِ حَيْثُ كانَ مِنْ بُيُوتِ نِسائِهِ، فَكَلَّمَتْهُ أُمُّ سَلَمَةَ بِمَا قُلْنَ فَلَمْ يَقُلْ لهَا شَيْئًا، فَسَأَلْنَهَا فَقَالَتْ: مَا قالَ لى شَيْئًا، فَقُلْنَ لهَا فَكَلِّمِيهِ. قالَتْ: فَكَلَّمَتْهُ حِينَ دَارَ إلَيْهَا أيْضاً فلَمْ يَقُلْ لَهَا شَيْئًا. فَسَأَلْنَهَا فَقَالَتْ: ما قالَ لى شَيْئًا، فَقُلْنَ لهَا: كَلِّمِيهِ حَتَّى يُكَلِّمَكِ. فَدَارَ إلَيْهَا فَكَلَّمَتْهُ فَقَالَ لهَا: لا تُؤْذِينِى فى عائِشَةَ، فإنَّ الوَحْىَ لَمْ يَأْتِنِى و أنا فى ثَوْبِ امْرَأةٍ إلاَّ عائِشَةَ. قالَتْ: فَقُلْتُ أتُوبُ إلى اللهِ مِنْ أذَاكَ يا رَسُولَ اللهِ. ثُمَّ إنَّهُنَّ دَعَوْنَ فاطِمَةَ بِنْتَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّمَ فأرْسَلَتْ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم تَقُولُ: إنَّ نِساءَكَ يَنْشُدْنَكَ العَدْلَ فى بِنْتِ أبى بَكْرٍ،

replied in the affirmative and returned and told them of the situation. They requested her to go to him again but she refused. They then sent Zainab bint Jahsh who went to him and used harsh words saying, "Your wives request you to treat them and the daughter of Ibn Abū Quhāfa on equal terms." On that she raised her voice and abused ʿĀisha to her face so much so that Allāh's Apostle ﷺ looked at ʿĀisha to see whether she would retort. ʿĀisha started replying to Zainab till she silenced her. The Prophet ﷺ then looked at ʿĀisha and said, "She is really the daughter of Abū Bakr."(1)

CHAPTER. Which sort of presents should not be returned.

فَكَلَّمَتْهُ فَقَالَ يَا بُنَيَّةُ: أَلا تُحِبِّينَ مَا أُحِبُّ؟ قَالَتْ: بَلَى، فَرَجَعَتْ إِلَيْهِنَّ فَأَخْبَرَتْهُنَّ. فَقُلْنَ: ارْجِعِى إِلَيْهِ فَأَبَتْ أَنْ تَرْجِعَ. فَأَرْسَلْنَ زَيْنَبَ بِنْتَ جَحْشٍ فَأَتَتْهُ فَأَغْلَظَتْ و قَالَتْ: إِنَّ نِسَاءَكَ يَنْشُدْنَكَ العَدْلَ فِى بِنْتِ ابْنِ أَبِى قُحَافَةَ فَرَفَعَتْ صَوْتَهَا حَتَّى تَنَاوَلَتْ عَائِشَةَ و هِىَ قَاعِدَةٌ فَسَبَّتْهَا حَتَّى إِنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم لَيَنْظُرُ إِلَى عائِشَةَ: هَلْ تُكَلَّمُ؟ قَالَ: فَتَكَلَّمَتْ عائِشَةُ تَرُدُّ عَلَى زَيْنَبَ حَتَّى أَسْكَتَتْهَا، قَالَتْ: فَنَظَرَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم إِلَى عائِشَةَ فَقَالَ: إِنَّهَا بِنْتُ أَبِى بَكْرٍ. قَالَ البُخَارِىُّ: الكَلامُ الأَخِيرُ قِصَّةُ فَاطِمَةَ، يُذْكَرُ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ رَجُلٍ: عَنِ الزُّهْرِىِّ، عَنْ مُحَمَّدِ ابْنِ عَبْدِ الرَّحْمَنِ. و قَالَ أَبُو مَرْوَانَ، عَنْ هِشَامٍ، عَنْ عُرْوَةَ: كَانَ النَّاسُ يَتَحَرَّوْنَ بِهَدَايَاهُمْ يَوْمَ عائِشَةَ. وعَنْ هِشَامٍ، عَنْ رَجُلٍ مِنْ قُرَيْشٍ، ورَجُلٍ مِنَ المَوَالِى، عَنِ الزُّهْرِىِّ. عَنْ مُحَمَّدِ ابْنِ عَبْدِ الرَّحْمَنِ بْنِ الحَارِثِ بْنِ هِشَامٍ، قَالَتْ عائِشَةُ: كُنْتُ عِنْدَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم فَاسْتَأْذَنَتْ فَاطِمَةُ.

بَابُ مَا لا يُرَدُّ مِنَ الهَدِيَّةِ.

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(1) She is really as honest, wise and well-versed as her father.

756. Narrated ʿAzra bin Thābit Al-Anṣārī: When I went to Thumama bin ʿAbdullāh, he gave me some perfume and said that Anas would not reject the gifts of perfume. Anas said that the Prophet ﷺ would not return the gifts of perfume.

٧٥٦ ـ حَدَّثَنا أَبُو مَعْمَرٍ: حَدَّثَنا عَبْدُ الوَارِثِ، حَدَّثَنا عَزْرَةُ بنُ ثابِتٍ الأَنْصارِىُّ قالَ: حَدَّثَنِى ثُمامَةُ بنُ عَبْدِ اللهِ قالَ: دَخَلْتُ عَلَيْهِ فَناوَلَنِى طِيبًا قالَ: كانَ أَنَسٌ رَضِىَ اللهُ عَنْهُ لا يَرُدُّ الطِّيبَ. قالَ: وَزَعَمَ أَنَسٌ أَنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم كانَ لا يَرُدُّ الطِّيبَ.

CHAPTER. Whoever thinks that it is permissible to give as a gift, something not present.

بابُ مَنْ رَأَى الهِبَةَ الغائِبَةَ جائِزَةً.

757. Narrated Al-Miswar bin Makhrama ؓ and Marwān: When the delegates of the tribe of Hawāzin came to the Prophet ﷺ he stood up amongst the people, Glorified and Praised Allāh as He deserved, and said, "Then after: Your brethren have come to you repenting, and I think it fit to return to them their prisoners; so whoever amongst you agrees to return his prisoners willingly, then he can do so, and whoever wants to stick to his share till we give him his right from the very first Fai (war booty) (1) which Allāh will bestow on us, then (he can do so)." The people replied, "We agree (to return the prisoners) with a good heart for your sake."

٧٥٧ ـ حَدَّثَنا سَعِيدُ بنُ أَبِى مَرْيَمَ: حَدَّثَنا اللَّيْثُ قالَ: حَدَّثَنِى عُقَيْلٌ، عَنِ ابنِ شِهابٍ قالَ: ذَكَرَ عُرْوَةُ أَنَّ المِسْوَرَ بنَ مَخْرَمَةَ رَضِىَ اللهُ عَنْهُما وَمَرْوانَ أَخْبَراهُ: أَنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم حِينَ جاءَهُ وَفْدُ هَوازِنَ قامَ فِى النَّاسِ فَأَثْنَى عَلَى اللهِ بِما هُوَ أَهْلُهُ، ثُمَّ قالَ: أَمَّا بَعْدُ، فَإِنَّ إِخْوانَكُمْ جاءُونا تائِبِينَ وَإِنِّى رَأَيْتُ أَنْ أَرُدَّ إِلَيْهِمْ سَبْيَهُمْ، فَمَنْ أَحَبَّ مِنْكُمْ أَنْ يُطَيِّبَ ذَلِكَ فَلْيَفْعَلْ، وَمَنْ أَحَبَّ أَنْ يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ ما يُفِىءُ اللهُ عَلَيْنا. فَقالَ النَّاسُ: طَيَّبْنا لَكَ.

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(1) Fai: See the glossary.

CHAPTER. Giving a reward for a gift.

758. Narrated ʿAisha رضي الله عنها : Allāh's Apostle ﷺ used to accept gifts and used to give something in return.

CHAPTER. Giving gifts to one's sons. If somebody gives something to some of his sons then it is not permissible unless he does justice to all of his sons and gives the same to the other sons equally, but no one has the right to bear witness to what the father does. The Prophet ﷺ said, "Do justice when giving a gift to your children." Is it permissible for the father to demand back the gift which he has given to his children? What one can eat from one's son's money reasonably and not excessively. And the Prophet ﷺ bought a camel from ʿUmar and gave it to Ibn ʿUmar and told him to dispose of it as he liked.

759. Narrated An-Nuʿmān bin Bashīr that his father took him to Allāh's Apostle ﷺ and said, "I have given this son of mine a slave." The Prophet ﷺ asked, "Have you given all your sons the like?"

باب المُكافأةِ فى الهِبَةِ .

٧٥٨ - حدَّثنا مُسَدَّدٌ: حدَّثنا عيسى بنُ يُونُسَ، عن هِشامٍ، عن أبيه، عن عائشةَ رَضِيَ اللهُ عنها قالتْ: كانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم يَقبَلُ الهَدِيَّةَ و يُثيبُ عليها، لم يَذكُرْ وكيعٌ و مُحاضِرٌ، عن هِشامٍ، عن أبيه، عن عائشةَ .

باب الهِبَةِ للوَلَدِ. و إذا أعطى بعضَ ولَدِهِ شيئًا لم يَجُزْ حتى يَعدِلَ بينَهم و يُعطِىَ الآخَرَ مِثلَهُ ولا يُشهَدُ عليهِ. و قالَ النبىُّ صلى اللهُ عليه وسلَّم: اعدِلوا بينَ أولادِكم فى العَطِيَّةِ. و هل للوالِدِ أن يَرجِعَ فى عَطِيَّتِهِ؟ وما يأكُلُ مِن مالِ ولَدِهِ بالمَعرُوفِ ولا يَتَعَدَّى. واشتَرَى النبىُّ صلى اللهُ عليه وسلَّم مِن عُمَرَ بَعيرًا ثُمَّ أعطاهُ ابنَ عُمَرَ و قالَ: اصنَعْ بهِ ما شِئتَ .

٧٥٩ - حدَّثنا عبدُ اللهِ بنُ يُوسُفَ: أخبَرَنا مالكٌ، عن ابنِ شِهابٍ، عن حُمَيدِ بنِ عبدِ الرَّحمنِ، و مُحمَّدِ بنِ النُّعمانِ بنِ بَشيرٍ: أنَّهما حدَّثاهُ عن النُّعمانِ بنِ بَشيرٍ: أنَّ أباهُ أتى بهِ إلى

He replied in the negative. The Prophet ﷺ said, "Take back your gift then."

CHAPTER. The witness for the gifts.

760. Narrated ʿĀmir : I heard An-Nuʿmān bin Bashīr رضي الله عنهما on the pulpit saying, "My father gave me a gift but ʿAmra bint Rawāḥa (my mother) said that she would not agree to it unless he made Allāh's Apostle ﷺ as a witness to it. So, my father went to Allāh's Apostle ﷺ and said, 'I have given a gift to my son from ʿAmra bint Rawāḥa, but she ordered me to make a witness to it, O Allāh's Apostle!' Allāh's Apostle ﷺ asked, 'Have you given the like of it to everyone of your sons?' He replied in the negative. Allāh's Apostle ﷺ said, 'Be afraid of Allāh, and be just to your children.' My father then returned and got back his gift."

CHAPTER. Giving gifts by a husband to his wife, and by a wife to her husband.

Ibrahim said, "It is permissible." ʿUmar bin ʿAbdul ʿAzīz said, "None of them can take his gift back." The Prophet ﷺ took permission from his wives to

رَسُولَ اللهِ صلى اللهُ عليه وسلَّم فقَالَ : إنِّى نَحَلْتُ ابْنِى هذَا غُلامًا، فقَالَ: أكُلَّ وَلَدِكَ نَحَلْتَ مِثْلَهُ ؟ قالَ ، لا ، قالَ: فارْجِعْهُ .

بابُ الإشْهادِ فى الهِبَةِ .

٧٦٠ - حدَّثَنا حامِدُ بنُ عُمَرَ: حدَّثَنا أبُو عَوَانَةَ ، عَنْ حُصَيْنٍ ، عَنْ عامِرٍ قالَ: سَمِعْتُ النُّعْمانَ بنَ بَشِيرٍ رَضِيَ اللهُ عَنْهُما و هُوَ عَلَى المِنْبَرِ يَقُولُ: أعْطانى أبى عَطِيَّةً ، فقالَتْ عَمْرَةُ بِنْتُ رَوَاحَةَ: لا أرْضَى حتَّى تُشْهِدَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم ؛ فأتَى رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم ، فقَالَ: إنِّى أعْطَيْتُ ابْنِى مِنْ عَمْرَةَ بِنْتِ رَوَاحَةَ عَطِيَّةً فأمَرَتْنِى أنْ أُشْهِدَكَ يا رَسُولَ اللهِ ، قالَ: أعْطَيْتَ سائِرَ وَلَدِكَ مِثْلَ هذَا ؟ قالَ: لا ، قالَ: فاتَّقُوا اللهَ و اعْدِلُوا بَيْنَ أوْلادِكُمْ . قالَ فرَجَعَ فرَدَّ عَطِيَّتَهُ .

بابُ هِبَةِ الرَّجُلِ لامْرَأتِهِ والمَرْأةِ لِزَوجِها.

قالَ إبْرَاهِيمُ: جائزَةٌ ، و قالَ عُمَرُ بنُ عَبْدِ العَزِيزِ لا يَرْجِعان . واسْتَأْذَنَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم نِساءَهُ فى أنْ يُمَرَّضَ فى بَيْتِ عائشَةَ . و قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: العائِدُ

let him stay with ʿAisha during his illness. The Prophet ﷺ said, "A person who takes back what he donates, is like a dog swallowing its vomit." Az-Zuhri said, "If a husband asks his wife to remit all or some of the postponed bridal money, and shortly after her consent he divorces her whereupon she demands what she has given up, then he should pay back her gift, if he has deceived her. But if she has given her free consent willingly and the man has meant no deception, the gift is valid, for Allah تعالى says:—

‘(And give the women
(On marriage) their right
As a free gift;) But if they
Of their own good pleasure,
Remit any part of it to you,
Take it and enjoy it
Lawfully without fear of any harm.’
(4:4)

فى هِبَتِهِ كالكَلْبِ يَعُودُ فى قَيْئِهِ .
و قالَ الزُّهْرِىُّ فِيمَنْ قالَ لامْرَأَتِهِ
هَبِى لى بَعْضَ صَدَاقِكِ أوْ كُلَّهُ، ثُمَّ
لمْ يَمْكُثْ إلاَّ يَسِيرًا حتَّى طَلَّقَهَا
فَرَجَعَتْ فِيهِ، قالَ يَرُدُّ إلَيْهَا إنْ كانَ
خَلَبَها، و إنْ كانَتْ أعْطَتْهُ عَنْ طِيبِ
نَفْسٍ لَيْسَ فى شَىْءٍ مِنْ أمْرِهِ خَدِيعَةٌ
جازَ، قالَ اللهُ تَعالى ـ فإنْ طِبْنَ لَكُمْ
عَنْ شَىْءٍ مِنْهُ نَفْسا ـ

761. Narrated Az-Zuhari: ʿUbaidullah bin ʿAbdullah told me that ʿAisha رضي الله عنها had said, "When the Prophet ﷺ became sick and his condition became serious, he requested his wives to allow him to be nursed in my house, and they allowed him. He came out leaning on two men while his feet were dragging on the ground. He was walking between Al-ʿAbbas and another man." ʿUbaidullah said, "When I informed Ibn ʿAbbas of what ʿAisha had said, he asked me whether I knew who was the second man whom ʿAisha had not named. I replied in the

٧٦١ ـ حدَّثنا إبْرَاهِيمُ بنُ مُوسَى:
أخْبَرَنا هِشامٌ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِىِّ
قالَ: أخْبَرَنى عُبَيْدُ اللهِ بنُ عَبْدِ اللهِ:
قالَتْ عائِشَةُ رَضِىَ اللهُ عَنْها: لمَّا ثَقُلَ
النَّبِىُّ صلى اللهُ عليهِ وسلَّم فاشْتَدَّ وَجَعُهُ
اسْتَأْذَنَ أزْوَاجَهُ أنْ يُمَرَّضَ فى بَيْتى
فأذِنَّ لَهُ، فَخَرَجَ بَيْنَ رَجُلَيْنِ تَخُطُّ
رِجْلاهُ الأرْضَ، و كانَ بَيْنَ العَبَّاسِ و
بَيْنَ رَجُلٍ آخَرَ، فَقالَ عُبَيْدُ اللهِ:
فَذَكَرْتُ لابنِ عَبَّاسٍ ما قالَتْ عائِشَةُ
فَقالَ لى: و هَلْ تَدْرِى مَنِ الرَّجُلُ

negative. He said, 'He was ʿAlī bin Abū Ṭalib.' "

الَّذِى لَمْ تُسَمِّ عَائِشَةُ؟ قُلْتُ: لا، قَالَ: هُوَ عَلِيُّ بْنُ أَبِي طَالِبٍ.

762. Narrated Ibn ʿAbbas رضي الله عنهما : The Prophet ﷺ said, "One who takes back his gift (which he has already given) is like a dog that swallows its vomit."

٧٦٢ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا ابْنُ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا، قَالَ: قَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: العَائِدُ فى هِبَتِهِ كَالْكَلْبِ يَقِيءُ ثُمَّ يَعُودُ فى قَيْئِهِ.

CHAPTER. It is permissible for a woman to give gifts to somebody other than her husband and to free her slaves in the lifetime of her husband provided that she is not weak-minded. If she is weak-minded, then it is not permissible, for Allāh تعالى says:—

> 'Do not give your property
> To people of weak understanding
> (i.e. fools).' (4:5)

بابٌ هِبَةِ الْمَرْأَةِ لِغَيْرِ زَوْجِهَا، وعِتْقِهَا إِذَا كَانَ لَهَا زَوْجٌ فَهُوَ جَائِزٌ إِذَا لَمْ تَكُنْ سَفِيهَةً. فَإِذَا كَانَتْ سَفِيهَةً لَمْ يَجُزْ، و قَالَ اللهُ تَعَالَى - وَلا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمْ -.

763. Narrated Asmā رضي الله عنها : Once I said, "O Allāh's Apostle! I have no property except what has been given to me by Az-Zubair (i.e. her husband). May I give in charity?" The Prophet ﷺ said, "Give in charity and do not withhold it; otherwise Allāh will withhold it back from you."

٧٦٣ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنِ ابْنِ جَرِيرٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عَبَّادِ ابْنِ عَبْدِ اللهِ، عَنْ أَسْمَاءَ رَضِيَ اللهُ عَنْهَا قَالَتْ: قُلْتُ: يَا رَسُولَ اللهِ، مَالى مال إِلَّا مَا أَدْخَلَ عَلَيَّ الزُّبَيْرُ، فَأَتَصَدَّقُ؟ قَالَ: تَصَدَّقِى وَلا تُوعِى فَيُوعَى عَلَيْكِ.

764. Narrated Asmā رضي الله عنها : Allāh's Apostle ﷺ said, "Give (in charity) and do not give reluctantly lest Allah should give you in a limited amount;

٧٦٤ - حَدَّثَنَا عُبَيْدُ اللهِ: حَدَّثَنَا عَبْدُ اللهِ بْنُ نُمَيْرٍ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ فَاطِمَةَ، عَنْ أَسْمَاءَ: أَنَّ

and do not withhold your money lest Allāh should withhold it from you."

رَسُولَ اللهِ صلى اللهُ عليه وسلَّم قالَ: أَنْفِقِي ولا تُحْصِي فَيُحْصِيَ اللهُ عَلَيْكِ، ولا تُوعِي فَيُوعِيَ اللهُ عَلَيْكِ.

765. Narrated Karib, the freed slave of Ibn ʻAbbās, that Maimūna bint Al-Hārith رضي الله عنها told him that she manumitted a slave-girl without taking the permission of the Prophet ﷺ. On the day when it was her turn to be with the Prophet ﷺ she said, "Do you know, O Allāh's Apostle, that I have manumitted my slave-girl?" He said, "Have you really?" She replied in the affirmative. He said, "You would have got more reward if you had given her (i.e. the slave-girl) to one of your maternal uncles."

٧٦٥ ـ حدَّثَنا يَحْيَى بنُ بُكَيْرٍ، عَنْ كُرَيْبٍ مَوْلَى ابنِ عَبَّاسٍ: أَنَّ مَيْمُونَةَ بِنْتَ الحارِثِ رَضِيَ اللهُ عَنْها أَخْبَرَتْهُ أَنَّها أَعْتَقَتْ وَلِيدَةً ولَمْ تَسْتَأْذِنِ النَّبِيَّ صلى اللهُ عليه وسلَّم فَلَمَّا كانَ يَوْمُها الَّذِي يَدُورُ عَلَيْها فِيهِ قالَتْ: أَشَعَرْتَ يا رَسُولَ اللهِ أَنِّي أَعْتَقْتُ وَلِيدَتِي؟ قالَ: أَوَفَعَلْتِ؟ قالَتْ: نَعَمْ. قالَ: أَما إِنَّكِ لَوْ أَعْطَيْتِها أَخْوالَكِ، كانَ أَعْظَمَ لأَجْرِكِ. وقالَ بَكْرٌ، عَنْ عَمْرٍو، عَنْ بُكَيْرٍ، عَنْ كُرَيْبٍ: أَنَّ مَيْمُونَةَ أَعْتَقَتْ.

766. Narrated ʻAisha رضي الله عنها: Whenever Allāh's Apostle ﷺ wanted to go on a journey, he would draw lots as to which of his wives would accompany him. He would take her whose name came out. He used to fix for each of them a day and a night. But Sauda bint Zamʻa gave up her (turn) day and night to ʻAisha, the wife of the Prophet ﷺ intending to satisfy and please Allāh's Apostle ﷺ by that action.

٧٦٦ ـ حدَّثَنا حِبَّانُ بنُ مُوسَى: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا يُونُسُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم إِذا أَرادَ سَفَرًا أَقْرَعَ بَيْنَ نِسائِهِ، فَأَيَّتُهُنَّ خَرَجَ سَهْمُها خَرَجَ بِها مَعَهُ. وكانَ يَقْسِمُ لِكُلِّ إِمْرَأَةٍ مِنْهُنَّ يَوْمَها ولَيْلَتَها، غَيْرَ أَنَّ سَوْدَةَ بِنْتَ زَمْعَةَ وَهَبَتْ يَوْمَها ولَيْلَتَها لِعائِشَةَ زَوْجِ النَّبِيِّ صلى اللهُ

عَلَيْهِ وَسَلَّمَ تَبْتَغِي بِذَلِكَ رِضَا رَسُولِ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ.

CHAPTER. Who is to be given the gift first? Maimūna, the wife of the Prophet ﷺ manumitted a slave-girl and the Prophet ﷺ said to her, "You would have got more reward if you had given the slave-girl to one of your maternal uncles."

باب - بِمَنْ يُبْدَأُ بِالْهَدِيَّةِ؟ وَقَالَ بَكْرٌ، عَنْ عَمْرٍو، عَنْ بُكَيْرٍ، عَنْ كُرَيْبٍ مَوْلَى ابنِ عَبَّاسٍ: إِنَّ مَيْمُونَةَ زَوْجَ النَّبِيِّ صلى اللهُ عليه وسلَّم أَعْتَقَتْ وَلِيدَةً لَهَا، فَقَالَ لَهَا: وَلَوْ وَصَلْتِ بَعْضَ أَخْوَالِكِ كَانَ أَعْظَمَ لِأَجْرِكِ.

767. Narrated ʿAisha رضي الله عنها: I said, "O Allāh's Apostle! I have two neighbours; which of them should I give a gift to?" The Prophet ﷺ said, "(Give) to the one whose door is nearer to you.

٧٦٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، عَنْ أَبِي عِمْرَانَ الْجَوْنِي، عَنْ طَلْحَةَ ابنِ عَبْدِ اللهِ رَجُلٍ مِنْ بَنِي تَيْمِ بْنِ مُرَّةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: قُلْتُ يا رَسُولَ اللهِ، إِنَّ لِي جَارَيْنِ فَإِلَى أَيِّهِمَا أُهْدِي؟ قَالَ: إِلَى أَقْرَبِهِمَا مِنْكِ بَابًا.

CHAPTER. Whoever refused to accept a present for a certain reason. ʿUmar bin ʿAbdul-ʿAziz said, "A gift was a gift during the life-time of Allāh's Apostle ﷺ, but today it is a bribe."

باب مَنْ لَمْ يَقْبَلِ الْهَدِيَّةَ لِعِلَّةٍ. وَقَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: كَانَتِ الْهَدِيَّةُ فِي زَمَنِ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم هَدِيَّةً، وَالْيَوْمَ رِشْوَةٌ.

768. Narrated ʿAbdullāh bin ʿAbbās رضي الله عنهما that he heard As-Saʿb bin Jaththāma Al-Laithī, who was one of the companions of the Prophet ﷺ, saying that he gave the meat of an onager to Allāh's Apostle ﷺ while he was at a place

٧٦٨ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عُبَيْدُ اللهِ بْنُ عَبْدِ اللهِ بْنِ عُتْبَةَ: أَنَّ عَبْدَ اللهِ بْنَ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا: أَخْبَرَهُ أَنَّهُ سَمِعَ الصَّعْبَ بْنَ جَثَّامَةَ

called Al-Abwā or Waddān, and was in the state of Iḥrām. The Prophet ﷺ did not accept it. When the Prophet ﷺ saw the signs of sorrow on Aṣ-Ṣa'b's face because of not accepting his present, he said (to him), "We are not returning your present, but we are in the state of Ihram."

اللَّيْثِيِّ وَكَانَ مِنْ أَصْحَابِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم يُخْبِرُ أَنَّهُ أَهْدَى لِرَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم حِمَارَ وَحْشٍ وَهُوَ بِالأَبْوَاءِ أَوْ بِوَدَّانَ وَهُوَ مُحْرِمٌ فَرَدَّهُ. فَقَالَ صَعْبٌ: فَلَمَّا عَرَفَ فِي وَجْهِي رَدَّهُ هَدِيَّتِي قَالَ: لَيْسَ بِنَا رَدٌّ عَلَيْكَ وَلَكِنَّا حُرُمٌ.

769. Narrated Abū Ḥumaid Al-Sa'idī ؓ: The Prophet ﷺ appointed a man from the tribe of Al-Azd, called Ibn 'Utbīyya for collecting the Zakāt. When he returned he said, "This (i.e. the Zakāt) is for you and this has been given to me as a present." The Prophet ﷺ said, "Why hadn't he stayed in his father's or mother's house to see whether he would be given presents or not? By the Name of Him in Whose Hands my life is, whoever takes something from the resources of the Zakāt (unlawfully) will be carrying it on his neck on the Day of Resurrection; if it be a camel, it will be grunting; if a cow, it will be mooing; and if a sheep, it will be bleating." The Prophet ﷺ then raised his hands till we saw the whiteness of his armpits, and he added thrice, "O Allāh! Have I conveyed the message?"

٧٦٩ - حَدَّثَنَا عَبْدُ اللهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا سُفْيَانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ رَضِيَ اللهُ عَنْهُ قَالَ: اسْتَعْمَلَ النَّبِيُّ صلى اللهُ عليهِ سلَّم رَجُلاً مِنَ الأَزْدِ يُقَالُ لَهُ ابْنُ الأُتْبِيَّةِ عَلَى الصَّدَقَةِ، فَلَمَّا قَدِمَ قَالَ: هَذَا لَكُمْ وَهَذَا أُهْدِيَ لِي. قَالَ: فَهَلاَّ جَلَسَ فِي بَيْتِ أَبِيهِ أَوْ بَيْتِ أُمِّهِ فَيَنْظُرَ أَيُهْدَى لَهُ أَمْ لاَ؟ وَالَّذِي نَفْسِي بِيَدِهِ لاَ يَأْخُذُ أَحَدٌ مِنْهُ شَيْئًا إِلاَّ جَاءَ بِهِ يَوْمَ الْقِيَامَةِ يَحْمِلُهُ عَلَى رَقَبَتِهِ: إِنْ كَانَ بَعِيرًا لَهُ رُغَاءٌ، أَوْ بَقَرَةً لَهَا خُوَارٌ، أَوْ شَاةً تَيْعَرُ، ثُمَّ رَفَعَ بِيَدِهِ حَتَّى رَأَيْنَا عُفْرَةَ إِبْطَيْهِ: اللَّهُمَّ هَلْ بَلَّغْتُ، اللَّهُمَّ هَلْ بَلَّغْتُ، ثَلاثًا.

CHAPTER. If somebody gives somebody else a present or promises to give him a present, and one of them dies before the gift reaches the other person.

بَابٌ - إِذَا وَهَبَ هِبَةً، أَوْ وَعَدَ ثُمَّ مَاتَ قَبْلَ أَنْ تَصِلَ إِلَيْهِ وَقَالَ عَبِيدَةُ: إِنْ مَاتَا وَكَانَتْ فُصِلَتِ الْهَدِيَّةُ

ʿUbaida said, "If both the giver and the receiver have died but the present was set aside (i. e. seperated) in the lifetime of the receiver, it will be given to his inheritors, and if it was not seperated, it will go to the inheritors of the giver." Al-Ḥasan said, "It will be given to the inheritors of the receiver (i.e. to whom the present was meant) no matter who died first, if the gift has been delivered to the messenger."

770. Narrated Jābir رضي الله عنه : The Prophet ﷺ said to me, "I will give you so much (the Prophet ﷺ pointed thrice with his hands) when the funds of Bahrain come to me." But the Prophet ﷺ died before the money reached. (When it came) Abū Bakr ordered an announcer to announce that whoever had a money claim on the Prophet ﷺ or was promised to be given something, should come to Abū Bakr. I went to Abū Bakr and told him that the Prophet رضي الله عنه had promised to give me so much. On that Abū Bakr gave me three handfuls (of money).

CHAPTFR. How are the slave and the property (given as gifts) to be possessed (by the person given to)?

Narrated Ibn ʿUmar رضي الله عنهما : I was riding a furious camel and the Prophet ﷺ bought it and said, "This camel is for you, ʿAbdullāh.

771. Narrated Al-Miswar bin Makhrama رضي الله عنهما : Allāh's Apostle ﷺ

والمُهْدَى لَـهُ حَيٌّ فَهِيَ لِوَرَثَتِهِ. وإنْ لمْ تَكُنْ فُصِلَتْ فَهِيَ لِوَرَثَةِ الَّذِي أهْدَى. و قالَ الحَسَنُ: أيُّهُما ماتَ قَبْلُ فَهِيَ لِوَرَثَةِ المُهْدَى لَهُ إذَا قَبَضَها الرَّسُولُ.

٧٧٠ - حدَّثَنا عَلِيُّ بنُ عَبْدِ اللهِ: حدَّثَنا سُفْيانُ: حدَّثَنا ابنُ المُنْكَدِرِ: سَمِعْتُ جابِرًا رَضِيَ اللهُ عَنْهُ قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم. لَوْ جاءَ مالُ البَحْرَيْنِ أعْطَيْتُكَ هَكَذَا ثَلاثًا. فَلَمْ يَقْدَمْ حتَّى تُوُفِّيَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فأمَرَ أبُو بَكْرٍ مُنادِيًا فَنادَى: مَنْ كانَ لَهُ عِنْدَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم عِدَةٌ أوْ دَيْنٌ فَلْيَأْتِنا، فأتَيْتُهُ فَقُلْتُ: إنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم وعَدَنِي، فَحَثَى لي ثَلاثًا.

بابٌ - كَيْفَ يُقْبَضُ العَبْدُ والمَتاعُ؟ و قالَ ابنُ عُمَرَ: كُنْتُ عَلَى بَكْرٍ صَعْبٍ فاشْتَراهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم و قالَ: هُوَ لكَ يا عَبْدَ اللهِ.

٧٧١ - حدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ أبي مُلَيْكَةَ،

distributed some cloaks but did not give anything thereof to Makhrama. Makhrama said (to me), "O son! accompany me to Allāh's Apostle ﷺ." When I went with him, he said, "Call him to me." I called him (i.e. the Prophet ﷺ) for my father. He came out wearing one of those cloaks and said, "We kept this (cloak) for you, Makhrama." Makhrama looked at the cloak and said, "Makhrama is satisfied," (or the Prophet ﷺ said), "Is Makhrama satisfied?"

CHAPTER. When someone gives something (as a gift) to another person and the receiver takes it into his possession without saying, "I have accepted it."

772. Narrated Abū Huraira ؓ:

A man came to Allāh's Apostle ﷺ saying, "I am ruined." The Prophet ﷺ asked, "What do you mean?" He said, "I had a sexual relation with my wife during Ramaḍān (while fasting)." The Prophet ﷺ asked him, "Can you manumit a slave?" He replied in the negative. He then asked him, "Can you fast for two months continuously?" He replied in the negative. The Prophet ﷺ then asked him, "Can you feed sixty poor persons?" He replied in the negative. In the meantime an Anṣārī came with a basket full of dates. The Prophet ﷺ said to the man, "Take it and give it in charity (as an expiation of your sin)." The

عَنِ المِسْوَرِ بنِ مَخْرَمَةَ رَضِيَ اللهُ عَنْهُمَا أَنَّهُ قالَ: قَسَمَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم أَقْبِيَةً ولم يُعْطِ مَخْرَمَةَ مِنْهَا شَيْئًا فقالَ مَخْرَمَةُ: يابُنَيَّ انْطَلِقْ بِنَا إلى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم، فانْطَلَقْتُ مَعَهُ فقالَ: ادْخُلْ فادْعُهُ لِي، فَدَعَوْتُهُ لَهُ فَخَرَجَ إليهِ وعَلَيْهِ قَبَاءٌ مِنْهَا. فقالَ: أَخْبَرَنا هذا لكَ. قالَ: فَنَظَرَ إليهِ فقالَ: رَضِيَ مَخْرَمَةُ.

بابٌ - إذا وَهَبَ هِبَةً فَقَبَضَهَا الآخَرُ ولم يَقُلْ قَبِلْتُ.

٧٧٢ - حدَّثنا مُحَمَّدُ بنُ مَحْبُوبٍ: حدَّثنا عَبْدُ الوَاحِدِ: حدَّثنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ حُمَيْدِ بنِ عَبْدِ الرَّحْمَنِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: جاءَ رَجُلٌ إلى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم فقالَ: هَلَكْتُ. فقالَ: وما ذاكَ؟ قالَ: وقَعْتُ بأهْلِي في رَمَضَانَ. قالَ: تَجِدُ رَقَبَةً؟ قالَ: لا، قالَ: فَهَلْ تَسْتَطِيعُ أنْ تَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ؟ قالَ: لا، قالَ: فَتَسْتَطِيعُ أنْ تُطْعِمَ سِتِّينَ مِسْكِينًا؟ قالَ: لا، قالَ: فَجَاءَ رَجُلٌ مِنَ الأنْصَارِ بِعَرَقٍ، والعَرَقُ المِكْتَلُ فيهِ تَمْرٌ، فقالَ: اذْهَبْ بِهذا فَتَصَدَّقْ بِهِ. قالَ: عَلَى أحْوَجَ مِنَّا

man said, "Should I give it to some people who are poorer than we O Allāh's Apostle? By Him Who has sent you with the Truth, there is no family between Medīna's two mountains poorer than we." Allāh's Apostle ﷺ told him to take it and provide his family with it."

CHAPTER. If a creditor gives the debt, due to him, as a gift, according to Al-Hakam, it is permissible.

Al-Ḥasan bin ʿAlī عليهما السلام gave up the debt due to him to a man as a gift. The Prophet ﷺ said, "If somebody owes something, he should either repay it or get it remitted." Jābir said, "When my father was martyred, he was in debt, so the Prophet ﷺ asked his creditors to take the fruits of my garden and forgive my father."

773. Narrated Jābir bin ʿAbdullāh رضي الله عنهما: My father was martyred on the day (of the battle) of Uhud and his creditors demanded the debt back in a harsh manner. When I went to Allāh's Apostle ﷺ and informed him of that, he asked them to accept the fruits of my garden and excuse my father, but they refused. So, Allāh's Apostle ﷺ did not give them the fruits, nor did he cut them and distribute them among them, but said, "I will come to you tomorrow morning." So, he came to us the next morning and walked about the date-palms and invoked Allah to bless their fruits. I plucked the fruits and gave back all the rights of

يا رَسُولَ اللهِ ؟ والَّذِي بَعَثَكَ بالحَقِّ ما بَيْنَ لا بَتَيْها أهْلُ بَيْتٍ أحْوَجُ مِنَّا، قالَ: اذْهَبْ فأطعِمْهُ أهْلَكَ.

بابٌ - إذا وَهَبَ دَيْنًا عَلى رَجُلٍ.

و قالَ شُعْبَةُ، عَنِ الحَكَمِ: هُوَ جائِزٌ. و وَهَبَ الحَسَنُ بنُ عَلِيٍّ عَلَيْهِما السَّلامُ لِرَجُلٍ دَيْنَهُ. و قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: مَنْ كانَ لَهُ عَلَيْهِ حَقٌّ فَلْيُعْطِهِ أوْ لِيَتَحَلَّلْهُ مِنْهُ. و قالَ جابِرٌ: قُتِلَ أبي و عَلَيْهِ دَيْنٌ فَسَألَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم غُرَماءَهُ أنْ يَقْبَلُوا ثَمَرَ حائِطي و يُحَلِّلُوا أبي.

٧٧٣ - حدَّثَنا عَبْدَانُ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا يُونُسُ. و قالَ اللَّيْثُ: حدَّثَنِي يُونُسُ، عَنِ ابنِ شِهابٍ أنَّهُ قالَ: حدَّثَنِي ابنُ كَعْبِ بنِ مالِكٍ: أنَّ جابِرَ بنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما أخْبَرَهُ أنَّ أبَاهُ قُتِلَ يَوْمَ أُحُدٍ شَهِيدًا فاشْتَدَّ الغُرَماءُ فى حُقُوقِهِمْ فأتَيْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فكَلَّمْتُهُ فَسَألَهُمْ أنْ يَقْبَلُوا ثَمَرَ حائِطي، و يُحَلِّلُوا أبي فأبَوْا. فلَمْ يُعْطِهِمْ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم حائِطِي ولمْ يَكْسِرْهُ لهُمْ ولَكِنْ قالَ:

the creditors in full, and a lot of fruits were left for us. Then I went to Allāh's Apostle ﷺ, who was sitting, and informed him about what happened. Allāh's Apostle ﷺ told ʿUmar, who was sitting there, to listen to the story. ʿUmar said, "Don't we know that you are Allāh's Apostle? By Allāh! you are Allāh's Apostle!"

CHAPTER. The giving of a gift by one person to a group.

Asma said to Al-Qāsim bin Muḥammad and Ibn Abū ʿAtīq, "I inherited some land in the forest from my sister Aisha and Muʿāwiya offered me one-hundred-thousand for it, but I give it to both of you as a gift."

774. Narrated **Sahl bin Saʿd** ؓ: A drink (milk mixed with water) was brought to the Prophet ﷺ who drank some of it while a boy was sitting on his right and old men on his left. The Prophet ﷺ said to the boy, "If you permit me, I'll give (the rest of the drink to) these old men first. The boy said, "I won't give up my share from you to anybody else, O Allāh's Apostle!" The Prophet ﷺ then put that container in the boys's hand.

CHAPTER. The received and

سَأَغْدُو عَلَيْكَ ، فَغَدَا عَلَيْنَا حِينَ أَصْبَحَ فَطَافَ فِي النَّخْلِ وَدَعَا فِي ثَمَرِهِ بِالْبَرَكَةِ ، فَجَدَدْتُهَا فَقَضَيْتُهُمْ حُقُوقَهُمْ وَبَقِيَ لَنَا مِنْ ثَمَرِهَا بَقِيَّةٌ . ثُمَّ جِئْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم وَهُوَ جَالِسٌ فَأَخْبَرْتُهُ بِذَلِكَ ، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم لِعُمَرَ : اسْمَعْ وَهُوَ جَالِسٌ يَا عُمَرُ . فَقَالَ عُمَرُ : أَلَا يَكُونُ قَدْ عَلِمْنَا أَنَّكَ رَسُولُ اللهِ ، وَاللهِ إِنَّكَ لَرَسُولُ اللهِ .

بابُ هِبَةِ الْوَاحِدِ لِلْجَمَاعَةِ .

وَقَالَتْ أَسْمَاءُ لِلْقَاسِمِ بْنِ مُحَمَّدٍ وَابْنِ أَبِي عَتِيقٍ : وَرِثْتُ عَنْ أُخْتِي عَائِشَةَ بِالْغَابَةِ ، وَقَدْ أَعْطَانِي بِهِ مُعَاوِيَةُ مِائَةَ أَلْفٍ ، فَهُوَ لَكُمَا .

٧٧٤ ـ حَدَّثَنَا يَحْيَى بْنُ قَزَعَةَ : حَدَّثَنَا مَالِكٌ ، عَنْ أَبِي حَازِمٍ ، عَنْ سَهْلِ ابْنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ : أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم أُتِيَ بِشَرَابٍ فَشَرِبَ وَعَنْ يَمِينِهِ غُلَامٌ وَعَنْ يَسَارِهِ الْأَشْيَاخُ ، فَقَالَ لِلْغُلَامِ : إِنْ أَذِنْتَ لِي أَعْطَيْتُ هَؤُلَاءِ ، فَقَالَ : مَا كُنْتُ لِأُوثِرَ بِنَصِيبِي مِنْكَ يَا رَسُولَ اللهِ أَحَدًا ، فَتَلَّهُ فِي يَدِهِ .

بابُ الْهِبَةِ الْمَقْبُوضَةِ وَغَيْرِ

unreceived gifts, and the divided and undivided gifts.

The Prophet ﷺ and his companions gave to the people of Hawāzin what they had got from them as war booty although it had not been divided yet.

Jābir ﵁ said, "I went to the Prophet ﷺ in the Mosque and he paid me my right and gave me more than he owed me."

775. Narrated Jābir bin ʿAbdullāh ﵁ : I sold a camel to the Prophet ﷺ on one of the journeys. When we reached Medīna, he ordered me to go to the Mosque and offer two Rakʿāt. Then he weighed for me (the price of the camel in gold) and gave an extra amount over it. A part of it remained with me till it was taken by the army of Shām on the day of Ḥarra."

776. Narrated Shal bin Saʿd ﵁ : A drink (of milk and water) was brought to Allāh's Apostle ﷺ while a boy was sitting on his right side and old men were sitting on his left side. He asked the boy, "Will you allow me to give it to these (people)?" The boy said, "No, by Allāh, I will not allow anyone to take my right from you." Then the Prophet put the bowl in the boy's hand.

المَقْبُوضَةِ، والمَقْسُومَةِ وغَيْرِ المَقْسُومَةِ. وقَدْ وَهَبَ النَّبِيُّ صلى الله عليه وسلم وأَصْحَابُهُ لِهَوَازِنَ ما غَنِمُوا مِنْهُمْ وهُوَ غَيْرُ مَقْسُومٍ.

حَدَّثَنِى ثَابِتُ بنُ مُحَمَّدٍ، حَدَّثَنَا مِسْعَرٌ. عَنْ مُحَارِبٍ، عَنْ جَابِرٍ رَضِيَ اللهُ عَنْهُ قَالَ: أَتَيْتُ النَّبِيَّ صلى الله عليه وسلم فى المَسْجِدِ فَقَضَانِى وزَادَنِى.

٧٧٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ مُحَارِبٍ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا يَقُولُ: بِعْتُ مِنَ النَّبِيِّ صلى الله عليه وسلم بَعِيرًا فى سَفَرٍ، فَلَمَّا أَتَيْنَا المَدِينَةَ قَالَ: ائْتِ المَسْجِدَ فَصَلِّ رَكْعَتَيْنِ. فَوَزَنَ. قَالَ شُعْبَةُ: أُرَاهُ فَوَزَنَ لِى فَأَرْجَحَ، فَمَا زَالَ مِنْهَا شَىْءٌ حَتَّى أَصَابَهَا أَهْلُ الشَّأْمِ يَوْمَ الحَرَّةِ.

٧٧٦ - حَدَّثَنَا قُتَيْبَةُ، عَنْ مَالِكٍ، عَنْ أَبِى حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ صلى الله عليه وسلم أُتِىَ بِشَرَابٍ وعَنْ يَمِينِهِ غُلَامٌ وعَنْ يَسَارِهِ أَشْيَاخٌ، فَقَالَ لِلْغُلَامِ: أَتَأْذَنُ لِى أَنْ أُعْطِىَ هَؤُلَاءِ؟ فَقَالَ الغُلَامُ: لا واللهِ، لا أُوثِرُ بِنَصِيبِى مِنْكَ أَحَدًا، فَتَلَّهُ فى يَدِهِ.

777. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ owed a man some debt (and that man demanded it very harshly). The companions of the Prophet ﷺ wanted to harm him, but the Prophet ﷺ said to them, "Leave him, as the creditor has the right to speak harshly." He then added, "Buy (a camel) of the same age and give it to him." They said, "We cannot get except a camel of an older age than that of his." He said, "Buy it and give it to him, as the best amongst you is he who pays back his debt in the most handsome way."

٧٧٧ ـ حَدَّثَنا عَبْدُ اللهِ بنُ عُثْمانَ ابنِ جَبَلَةَ قالَ: أخْبَرَنِى أبى، عَنْ شُعْبَةَ، عَنْ سَلَمَةَ قالَ: سَمِعْتُ أبا سَلَمَةَ، عَنْ أبي هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قالَ: كانَ لِرَجُلٍ عَلى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم دَيْنٌ فَهَمَّ بِهِ أصْحابُهُ فَقالَ: دَعُوهُ فإنَّ لِصاحِبِ الحَقِّ مَقالاً. وقالَ: اشْتَرُوا لَهُ سِنًّا فأعْطُوها إيَّاهُ، فَقالُوا: إنَّا لا نَجِدُ سِنًّا إلاَّ سِنًّا هِىَ أفْضَلُ مِنْ سِنِّهِ، قالَ: فاشْتَرُوها فأعْطُوها إيَّاهُ فإنَّ مِنْ خَيْرِكُمْ أحْسَنَكُمْ قَضاءً.

__CHAPTER.__ If a group of persons gives a gift to some people.

باب إذا وَهَبَ جَماعَةٌ لِقَوْمٍ.

778. Narrated Marwān bin Al-Ḥakam and Al-Miswar bin Makhrama: When the delegates of the tribe of Hawāzin came to the Prophet ﷺ they requested him to return their property and prisoners. He said to them, "This concerns other people as you see, and the best statement to me is the true one, so you may choose one of two alternatives; either the prisoners or the property and (I have not distributed the booty for) I have been waiting for you."

When the Prophet ﷺ had returned from Ta if, he waited for them for more than ten nights. When they came to know that the Prophet ﷺ would not return except one of the two, they chose the

٧٧٨ ـ حَدَّثَنا يَحْيَى بنُ بُكَيْرٍ: حَدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ: أنَّ مَرْوانَ بنَ الحَكَمِ والمِسْوَرَ بنَ مَخْرَمَةَ أخْبَرَاهُ أنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم قالَ حِينَ جاءَهُ وَفْدُ هَوازِنَ مُسْلِمِينَ، فَسَألُوهُ أنْ يَرُدَّ إلَيْهِمْ أمْوالَهُمْ وسَبْيَهُمْ فَقالَ لَهُمْ: مَعِى مَنْ تَرَوْنَ وأحَبُّ الحَدِيثِ إلَىَّ أصْدَقُهُ، فاخْتارُوا إحْدَى الطَّائِفَتَيْنِ: إمَّا السَّبْىَ وإمَّا المَالَ وقَدْ كُنْتُ اسْتَأْنَيْتُ، وكانَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم انْتَظَرَهُمْ بِضْعَ عَشْرَةَ لَيْلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ،

prisoners. The Prophet ﷺ then stood up amongst the Muslims, Glorified and Praised Allāh as He deserved, and then said, "Then after : These brothers of yours have come to you with repentance, and I think it proper to return their prisoners, so whoever amongst you likes to return (them) with a good heart, then he should do so, and whoever wants to stick to his share till we pay him from the very first Fai (1) (i.e. war booty) which Allāh will give us, then he can do so." The people said, "We return (the prisoners) with a good heart (willingly) to them, O Allāh's Apostle !" The Prophet ﷺ said, "I do not know who of you has given his consent and who has not ; so go back so that your leaders may present your decision to me." The people went away, and their leaders discussed the matter with them, and then came to the Prophet ﷺ to tell him that all of them had given the permission (to return the prisoners) willingly.

(Az-Zuhrī, the sub-narrator said, "This is what we know about the war prisoners of Hawāzin.")

CHAPTER. If somebody is given a gift while some people are sitting with him, he only has the right to have it.

فَلَمَّا تَبَيَّنَ لَهُمْ أَنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم غَيرُ رَادٍّ إِلَيهِمْ إِلَّا إِحْدَى الطَّائِفَتَيْنِ قالُوا: فإِنَّا نَخْتَارُ سَبْيَنَا، فَقَامَ فِى المُسْلِمِينَ فَأَثْنَى عَلَى اللهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: أَمَّا بَعْدُ، فإِنَّ إِخْوَانَكُمْ هَؤُلَاءِ جَاءُونَا أَوَّلَ تَائِبِينَ وَإِنِّى رَأَيْتُ أَنْ أَرُدَّ إِلَيهِمْ سَبْيَهُمْ: فَمَنْ أَحَبَّ مِنْكُمْ أَنْ يُطَيِّبَ ذَلِكَ فَلْيَفْعَلْ، وَمَنْ أَحَبَّ أَنْ يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ مَا يُفِيءُ اللهُ عَلَيْنَا فَلْيَفْعَلْ، فَقَالَ النَّاسُ: طَيَّبْنَا يَا رَسُولَ اللهِ لَهُمْ، فَقَالَ لَهُمْ: إِنَّا لَا نَدْرِى مَنْ أَذِنَ مِنْكُمْ فِيهِ مِمَّنْ لَمْ يَأْذَنْ فَارْجِعُوا حَتَّى يَرْفَعَ إِلَيْنَا عُرَفَاؤُكُمْ أَمْرَكُمْ، فَرَجَعَ النَّاسُ فَكَلَّمَهُمْ عُرَفَاؤُهُمْ، ثُمَّ رَجَعُوا إِلَى النَّبِىِّ صلى اللهُ عليهِ وسلَّم فَأَخْبَرُوهُ أَنَّهُمْ طَيَّبُوا وَأَذِنُوا. وَهَذَا الَّذِى بَلَغَنَا مِنْ سَبْىِ هَوَازِنَ؛ هَذَا آخِرُ قَوْلِ الزُّهْرِىِّ يَعْنِى، فَهَذَا الَّذِى بَلَغَنَا.

بَابٌ - مَنْ أُهْدِىَ لَهُ هَدِيَّةٌ وَعِنْدَهُ جُلَسَاؤُهُ فَهُوَ أَحَقُّ بِهَا وَيُذْكَرُ.

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(1) **FAI** : See the glossary.

779. Ibn ᶜAbbās ؓ is reported to have said that the people sitting with that person will be his co-owners. But this report is not confirmed by an authentic narration.

٧٧٩ ـ عَنِ ابنِ عَبَّاسٍ أَنَّ جُلَسَاءَهُ شُرَكَاؤُهُ، وَلَمْ يَصِحَّ .

780. Narrated Abū Huraira ؓ: The Prophet ﷺ took a camel of special age from somebody on credit. Its owner came and demanded it back (harshly). The Prophet ﷺ said, "He who has a right can demand it." Then the Prophet ﷺ gave him an older camel than his camel and said, "The best amongst you is he who repays his debts in the most handsome way."

٧٨٠ ـ حَدَّثَنا ابنُ مُقَاتِلٍ: أَخْبَرَنا عَبْدُ اللهِ: أَخْبَرَنا شُعْبَةُ، عَنْ سَلَمَةَ ابنِ كُهَيْلٍ، عَنْ أَبي سَلَمَةَ، عَنْ أَبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبيِّ صلى اللهُ عليهِ وسلَّم أَنَّهُ أَخَذَ سِنًّا، فَجاءَ صاحِبُهُ يَتَقاضاهُ، فَقالَ: إِنَّ لِصاحِبِ الحَقِّ مَقالاً، ثُمَّ قَضاهُ أَفْضَلَ مِنْ سِنِّهِ، وقالَ: أَفْضَلُكُمْ أَحْسَنُكُمْ قَضاءً .

781. Narrated Ibn ᶜUmar ؓ that he was in the company of the Prophet ﷺ on a journey, riding a troublesome camel belonging to ᶜUmar. The camel used to go ahead of the Prophet ﷺ, so Ibn ᶜUmar's father would say, "O ᶜAbdullāh! one should not go ahead of the Prophet ﷺ." The Prophet ﷺ said to him, "Sell it to me." ᶜUmar said to the Prophet ﷺ, "It is for you." So, he bought it and said, "O ᶜAbdullāh! It is for you, and you can do with it what you like."

٧٨١ ـ حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ: حَدَّثَنا ابنُ عُيَيْنَةَ، عَنْ عَمْرٍو، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أَنَّهُ كانَ مَعَ النَّبيِّ صلى اللهُ عليهِ وسلَّم في سَفَرٍ، فَكانَ عَلى بَكْرٍ صَعْبٍ لِعُمَرَ، فَكانَ يَتَقَدَّمُ النَّبيَّ صلى اللهُ عليهِ وسلَّم فَيَقُولُ أَبُوهُ: يا عَبْدَ اللهِ، لا يَتَقَدَّمُ النَّبيَّ صلى اللهُ عليهِ وسلَّم أَحَدٌ، فَقالَ لَهُ النَّبيُّ صلى اللهُ عليهِ وسلَّم: بِعْنِيهِ، فَقالَ عُمَرُ: هُوَ لَكَ فاشْتَراهُ ثُمَّ قالَ: هُوَ لَكَ يا عَبْدَ اللهِ، فاصْنَعْ بِهِ ما شِئْتَ.

CHAPTER. If someone gives a camel as a gift to a man riding it, then the deed is valid.

بابٌ ـ إِذا وَهَبَ بَعِيرًا لِرَجُلٍ وَهُوَ راكِبُهُ فَهُوَ جائِزٌ. وقالَ

Narrated Ibn ʿUmar رضي الله عنهما : We were in the company of the Prophet ﷺ on a journey, and I was riding a troublesome camel. The Prophet ﷺ asked ʿUmar to sell that camel to him. So, ʿUmar sold it to him. The Prophet ﷺ then said, "O ʿAbdullāh! The camel is for you."

الحُمَيْدِيُّ : حَدَّثَنا سُفْيانُ : حَدَّثَنا عَمْرٌو ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ : كُنَّا مَعَ النَّبِيِّ صلى اللهُ عليه وسلَّم في سَفَرٍ وكُنْتُ عَلى بَكْرٍ صَعْبٍ فَقالَ النَّبِيُّ صلى اللهُ عليه وسلَّم لِعُمَرَ : بِعْنِيهِ فابْتاعَهُ ، فَقالَ النَّبِيُّ صلى اللهُ عليه وسلَّم : هُوَ لَكَ يا عَبْدَ اللهِ .

CHAPTER. The presenting of a gift of clothes, the wearing of which is disliked.

بابُ هَدِيَّةِ ما يُكْرَهُ لُبْسُها.

782. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : ʿUmar bin Al-Khaṭṭāb saw a silken dress (cloak) being sold at the gate of the Mosque and said, "O Allāh's Apostle! Would that you buy it and wear it on Fridays and when the delegates come to you!" Allāh's Apostle ﷺ said, "This is really worn by him who has no share in the Hereafter." Later on some silk dresses were brought and Allāh's Apostle ﷺ sent one of them to ʿUmar. ʿUmar said, "How do you give me this to wear while you said what you said about the the dress of ʿAṭārid?"(1) Allāh's Apostle ﷺ said, "I have not given it to you to wear." So, ʿUmar gave it to a pagan brother of his in Mecca.

٧٨٢ ـ حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ ، عَنْ مالكٍ ، عَنْ نافعٍ ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ : رَأى عُمَرُ ابنُ الخَطَّابِ حُلَّةً سِيَراءَ عِنْدَ بابِ المَسْجِدِ فَقالَ : يا رَسُولَ اللهِ لَوِ اشْتَرَيْتَها فَلَبِسْتَها يَوْمَ الجُمُعَةِ ولِلوَفْدِ . قالَ : إنَّما يَلْبَسُها مَنْ لا خَلاقَ لَهُ في الآخِرَةِ . ثُمَّ جاءَتْ حُلَلٌ فأعْطَى رَسُولُ اللهِ صلى اللهُ عليه وسلَّم عُمَرَ مِنْها حُلَّةً فَقالَ : أكَسَوْتَنِيها وقُلْتَ في حُلَّةِ عُطارِدٍ ما قُلْتَ ؟ فَقالَ : إنِّي لمْ أكْسُكَها لِتَلْبَسَها ، فَكَساها عُمَرُ أخاً لَهُ بِمَكَّةَ مُشْرِكاً .

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(1) ʿUmar رضي الله عنه is referring to the previous occasion when Allāh's Apostle ﷺ refused to buy the cloak sold at the gate of the Mosque.

783. Narrated Ibn 'Umar رضي الله عنهما : Once the Prophet ﷺ went to the house of Fāṭima but did not enter it. 'Alī came and she told him about that. When 'Alī asked the Prophet ﷺ about it, he said, "I saw a (multi-coloured) decorated curtain on her door. I am not interested in worldly things." 'Alī went to Fāṭima and told her that. Fāṭima said, "I am ready to dispense with it in the way he suggests." The Prophet ﷺ ordered her to send it to such-and-such needy people."

٧٨٣ - حدَّثنا مُحمَّدُ بنُ جعْفرٍ أبو جعفرٍ: حدَّثنا ابنُ فُضيلٍ، عن أبيه، عن نافعٍ، عن ابنِ عمرَ رضيَ اللهُ عنهما قال: أتى النبيُّ صلى اللهُ عليه وسلَّم بيتَ فاطمةَ فلم يدخلْ عليها، وجاء عليٌّ فذكرتْ له ذلك، فذكرَ للنبيِّ صلى اللهُ عليه وسلَّم. قالَ: إنِّي رأيتُ على بابِها سِترًا مُوشيًّا، فقالَ: مالي وللدُّنيا، فأتاها عليٌّ فذكرَ ذلكَ لها فقالتْ: ليأمُرْني فيه بما شاءَ، قالَ: تُرسلي به إلى فُلانٍ، أهلِ بيتٍ بهمْ حاجةٌ.

784. Narrated 'Alī رضي الله عنه : The Prophet ﷺ gave me a silken dress as a gift and I wore it. When I saw the signs of anger on his face, I cut it into pieces and distributed it among my wives."

٧٨٤ - حدَّثنا حجَّاجُ بنُ منهالٍ: حدَّثنا شُعبةُ قالَ: أخبرَني عبدُ الملكِ ابنُ ميسرةَ قالَ: سمعتُ زيدَ بنَ وهبٍ عن عليٍّ رضيَ اللهُ عنهُ قالَ: أهدى إليَّ النبيُّ صلى اللهُ عليه وسلَّم حُلَّةَ سِيَراءَ فلبستُها فرأيتُ الغضبَ في وجهِهِ فشقَّقتُها بينَ نسائي.

CHAPTER. The acceptance of presents from pagans.

Narrated Abū Huraira رضي الله عنه : The Prophet ﷺ said, "When Abraham عليه السلام migrated along with Sārah, he reached a town ruled by a king or a tyrant. The latter ordered his men to give Sārah Ājar." The Prophet ﷺ was given a cooked poisoned sheep as a present.

بابُ قبولِ الهديةِ من المشركينَ

وقالَ أبو هريرةَ، عن النبيِّ صلى اللهُ عليه وسلَّم: هاجرَ إبراهيمُ عليه السَّلامُ بسارةَ فدخلَ قريةً فيها ملكٌ أو جبَّارٌ، فقالَ: أعطوها آجرَ. وأُهديتْ للنبيِّ صلى اللهُ عليه وسلَّم شاةٌ فيها سمٌّ. وقالَ أبو حُميدٍ: أهدى ملكُ أيلةَ للنبيِّ صلى اللهُ عليه وسلَّم

Narrated Abū Ḥumaid ؓ : The king of Aila sent a white mule to the Prophet ﷺ and the Prophet ﷺ sent him a garment and wrote to him a confirmation of the treaty concerning his country."

بَغْلَةً بَيْضَاءَ فَكَساهُ بُرْدًا وَكَتَبَ إِلَيْهِ بِبَحْرِهِمْ .

785. Narrated Anas ؓ : A Jubba (i.e. cloak) made of thick silken cloth was presented to the Prophet ﷺ . The Prophet ﷺ used to forbid people to wear silk. So, the people were pleased to see it. The Prophet ﷺ said, "By Him in Whose Hands Muḥammad's soul is, the handkerchiefs of Saʿd bin Muʿadh in Paradise are better than this." Anas added, "The present was sent to the Prophet ﷺ by Ukaidir (a Charistian) from Dauma."

٧٨٥ ـ حَدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ : حَدَّثَنا يُونُسُ بْنُ مُحَمَّدٍ : حَدَّثَنا شَيْبانُ عَنْ قَتادَةَ : حَدَّثَنا أَنَسٌ رَضِيَ اللهُ عَنْهُ قالَ : أُهْدِيَ لِلنَّبِيِّ صلى اللهُ عليهِ وسلَّم جُبَّةُ سُنْدُسٍ ، وَكانَ يَنْهَى عَنِ الحَرِيرِ فَعَجِبَ النَّاسُ مِنْها ، فَقالَ : وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لَمَنادِيلُ سَعْدِ بنِ مُعاذٍ في الجَنَّةِ أَحْسَنُ مِنْ هذا ، وَقالَ سَعِيدٌ عَنْ قَتادَةَ عَنْ أَنَسٍ : إِنَّ أُكَيْدِرَ دُومَةَ أَهْدَى إِلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم .

786. Narrated Anas bin Mālik ؓ : A Jewess brought a poisoned (cooked) sheep for the Prophet ﷺ who ate from it. She was brought to the Prophet ﷺ and he was asked, "Shall we kill her?" He said, "No." I continued to see the effect of the poison on the palate of the mouth of Allāh's Apostle ﷺ .

٧٨٦ ـ حَدَّثَنا عَبْدُ اللهِ بنُ عَبْدِ الوَهَّابِ : حَدَّثَنا خالِدُ بنُ الحارِثِ : حَدَّثَنا شُعْبَةُ ، عَنْ هِشامِ بنِ زَيْدٍ ، عَنْ أَنَسِ بنِ مالِكٍ رَضِيَ اللهُ عَنْهُ : أَنَّ يَهُودِيَّةً أَتَتِ النَّبِيَّ صلى اللهُ عليهِ وسلَّم بِشاةٍ مَسْمُومَةٍ فَأَكَلَ مِنْها ، فَجِيءَ بِها فَقِيلَ : أَلا نَقْتُلُها؟ قالَ : لا ، فَما زِلْتُ أَعْرِفُها في لَهَواتِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم .

787. Narrated ʿAbdur-Raḥmān bin

٧٨٧ ـ حَدَّثَنا أَبُو النُّعْمانِ : حَدَّثَنا

Abū Bakr ؓ : We were one-hundred and thirty persons accompanying the Prophet ﷺ who asked us whether anyone of us had food. There was a man who had about a Sa of wheat which was mixed with water then. A very tall pagan came driving sheep. The Prophet ﷺ asked him, "Will you sell us (a sheep) or give it as a present?" He said, "I will sell you (a sheep)." The Prophet ﷺ bought a sheep and it was slaughtered. The Prophet ﷺ ordered that its liver and other abdominal organs be roasted. By Allāh, the Prophet ﷺ gave every person of the one-hundred-and thirty a piece of that, if he was present; and kept the shares of those who were absent. The Prophet ﷺ then put its meat in two huge basins and all of them ate to their fill, and even then more food was left on the two basins which were carried on the camel (or said something like it).

CHAPTER. Giving presents to the pagans. And the Statement of Allāh تعالى —

> 'Allāh forbids you not
> With regards to those who
> Fight you not (for) your faith
> Nor drive you out
> Of your homes,
> To deal kindly and justly
> With them: Allāh loves those who
> deal justly.' (60:8)

المُعْتَمِرُ بنُ سُلَيمانَ، عَنْ أبِيهِ، عَنْ أبي عُثمانَ، عَنْ عَبْدِ الرَّحْمَنِ بنِ أبى بَكْرٍ رَضِيَ اللهُ عَنْهُما قالَ: كُنَّا مَعَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم ثَلاثينَ ومائَةً فَقالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: هَلْ مَعَ أحَدٍ مِنْكُمْ طَعامٌ؟ فإذا مَعَ رَجُلٍ صاعٌ مِنْ طَعامٍ أوْ نَحْوُهُ، فَعُجِنَ ثُمَّ جاءَ رَجُلٌ مُشْرِكٌ مُشْعانٌّ طَوِيلٌ بِغَنَمٍ يَسُوقُها فَقالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: بَيْعاً أمْ عَطِيَّةً؟ أوْ قالَ: أمْ هِبَةً؟ قالَ: لا، بَلْ بَيْعٌ. فاشْتَرَى مِنْهُ شاةً فَصُنِعَتْ وأمَرَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم بِسَوادِ البَطْنِ أن يُشْوَى، وأيْمُ اللهِ ما فى الثلاثِينَ والمائَةِ إلاَّ وقدْ حَزَّ النَّبِىُّ صلى اللهُ عليهِ وسلَّم لَهُ حُزَّةً مِنْ سَوادِ بَطْنِها إنْ كانَ شاهِداً أعْطاها إيَّاهُ وإن كانَ غائِبا خَبَألَهُ. فَجَعَلَ مِنْها قَصْعَتَيْنِ فأكَلُوا أجْمَعُونَ وشَبِعْنا، فَفَضَلَتِ القَصْعَتانِ فَحَمَلْناهُ عَلَى البَعِيرِ أوْ كَما قالَ.

بابُ الهَدِيَّةِ للمُشْرِكِينَ. وقَوْلِ اللهِ تَعالى - لا يَنْهاكُمُ اللهُ عَنِ الَّذِينَ لَمْ يُقاتِلُوكُمْ فى الدِّينِ ولَمْ يُخْرِجُوكُمْ مِنْ دِيارِكُمْ أنْ تَبَرُّوهُمْ و تُقْسِطُوا إلَيْهِمْ إنَّ اللهَ يُحِبُّ المُقْسِطِينَ -.

788. Narrated Ibn ʿUmar ؓ : ʿUmar saw a silken cloak over a man for sale and requested the Prophet ﷺ to buy it in order to wear it on Fridays and while meeting delegates. The Prophet ﷺ said, "This is worn by those who will have no share in the Hereafter." Later on Allāh's Apostle ﷺ got some silken cloaks similar to that one, and he sent one to ʿUmar. ʿUmar said to the Prophet ﷺ , "How can I wear it so long as you said about it what you said?" The Prophet ﷺ said, "I have not given it to you to wear, but to sell or to give to someone else." So, ʿUmar sent it to a brother of his at Mecca before he embraced Islām.

٧٨٨ ـ حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ : حَدَّثَنَا سُلَيْمَانُ بْنُ بِلاَلٍ قَالَ : حَدَّثَنِي عَبْدُ اللهِ بْنُ دِينَارٍ ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ : رَأَى عُمَرُ حُلَّةً عَلَى رَجُلٍ تُبَاعُ ، فَقَالَ لِلنَّبِيِّ صلى الله عليه وسلم ابْتَعْ هذِهِ الحُلَّةَ تَلْبَسْهَا يَوْمَ الجُمُعَةِ وَإِذَا جَاءَكَ الوَفْدُ . فَقَالَ إِنَّمَا يَلْبَسُ هذِهِ مَنْ لاَ خَلاَقَ لَهُ فى الآخِرَةِ ، فَأُتِيَ رَسُولُ اللهِ صلى الله عليه وسلم مِنْهَا بِحُلَلٍ ، فَأَرْسَلَ إِلَى عُمَرَ مِنْهَا بِحُلَّةٍ ، فَقَالَ عُمَرُ : كَيْفَ أَلْبَسُهَا وَقَدْ قُلْتَ فِيهَا مَا قُلْتَ ؟ قَالَ : إِنِّى لَمْ أَكْسُكَهَا لِتَلْبَسَهَا ، تَبِيعُهَا أَوْ تَكْسُوهَا ، فَأَرْسَلَ بِهَا عُمَرُ إِلَى أَخٍ لَهُ مِنْ أَهْلِ مَكَّةَ ، قَبْلَ أَنْ يُسْلِمَ .

789. Narrated Asmāʾ bint Abū Bakr ؓ : My mother came to me during the lifetime of Allāh's Apostle ﷺ and she was a pagan. I asked Allāh's Apostle ﷺ seeking his verdict, "My mother has come to me and she desires to receive a reward from me, shall I keep good relations with her?" The Prophet ﷺ said, "Yes, keep good relation with her."

٧٨٩ ـ حَدَّثَنَا عُبَيْدُ بْنُ إِسْمَاعِيلَ : حَدَّثَنَا أَبُو أُسَامَةَ ، عَنْ هِشَامٍ ، عَنْ أَبِيهِ ، عَنْ أَسْمَاءَ بِنْتَ أَبِى بَكْرٍ رَضِىَ اللهُ عَنْهُمَا قَالَتْ : قَدِمَتْ عَلَيَّ أُمِّى وَهِىَ مُشْرِكَةٌ فى عَهْدِ رَسُولِ اللهِ صلى الله عليه وسلم فَاسْتَفْتَيْتُ رَسُولَ اللهِ صلى الله عليه وسلم ، قُلْتُ إِنَّ أُمِّى قَدِمَتْ عَلَيَّ وَهِىَ رَاغِبَةٌ . أَفَأَصِلُ أُمِّى ؟ قَالَ : نَعَمْ . صِلِى أُمَّكِ .

CHAPTER. It is illegal for one to take back his presents or Ṣadaqa (things given in charity).

بَابٌ ـ لاَ يَحِلُّ لِأَحَدٍ أَنْ يَرْجِعَ فى هِبَتِهِ وَصَدَقَتِهِ .

790. Narrated Ibn ᶜAbbās ؓ: The Prophet ﷺ said, "He who takes back his present is like him who swallows his vomit."

٧٩٠ - حدَّثنا مُسْلِمُ بنُ إبْرَاهِيمَ : حدَّثنا هِشامٌ وشُعْبَةُ قالا : حدَّثنا قَتادَةُ ، عَنْ سَعِيدِ بنِ المُسَيَّبِ ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ : قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : العائِدُ فى هِبَتِهِ كالعائِدِ فى قَيْئِهِ .

791. Narrated Ibn ᶜAbbās ؓ: The Prophet ﷺ said, "The bad example is not befitting us. He who takes back his present is like a dog swallowing its vomit."

٧٩١ - وحدَّثنى عَبْدُ الرَّحْمَنِ بنُ المُبارَكِ : حدَّثنا عَبْدُ الوارِثِ : حدَّثنا أيُّوبُ ، عَنْ عِكْرِمَةَ ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ : قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم : لَيْسَ لَنا مَثَلُ السَّوْءِ الَّذِى يَعُودُ فى هِبَتِهِ كالكَلْبِ يَرْجِعُ فى قَيْئِهِ .

792. Narrated ᶜUmar bin Al-Khaṭṭāb ؓ: I gave a horse in Allāh's Cause. The person to whom it was given, did not look after it. I intended to buy it from him, thinking that he would sell it cheap. When I asked the Prophet ﷺ, he said, "Don't buy it, even if he gives it to you for one Dirham, as the person who takes back what he has given in charity, is like a dog swallowing its vomit."

٧٩٢ - حدَّثنا يَحْيَى بنُ قَزَعَةَ : حدَّثنا مالكٌ ، عَنْ زَيْدِ بنِ أسْلَمَ ، عَنْ أبِيهِ قالَ : سَمِعْتُ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ يَقُولُ : حَمَلْتُ عَلَى فَرَسٍ فى سَبِيلِ اللهِ فأضاعَهُ الَّذِى كانَ عِنْدَهُ فأرَدْتُ أنْ أشْتَرِيَهُ مِنْهُ ، وظَنَنْتُ أنَّهُ بائِعُهُ بِرُخْصٍ فَسَألْتُ عَنْ ذَلكَ النَّبِيَّ صلى اللهُ عليهِ وسلَّم فقالَ : لا تَشْتَرِهِ وإنْ أعْطاكَهُ بِدِرْهَمٍ واحِدٍ ، فإنَّ العائِدَ فى صَدَقَتِهِ كالكَلْبِ يَعُودُ فى قَيْئِهِ .

CHAPTER. Narrated ᶜAbdullāh bin

بابٌ - حدَّثنِى إبْرَاهِيمُ

ʿUbaidullāh bin Abū Mulaika: The sons of Ṣuhaib, the freed slave of Ibn Judʿān claimed that Allāh's Apostle ﷺ had given two houses and one room to Ṣuhaib. Marwān asked, "Who will certify your claim?" They replied that Ibn ʿUmar would do so. Marwān sent for Ibn ʿUmar who certified that Allāh's Apostle ﷺ had really given Ṣuhaib two houses and a room. So, Marwān gave the verdict in favour of Ṣuhaib's sons becase of Ibn ʿUmar's witness.

ابنُ مُوسَى: أخْبَرَنا هِشامُ بنُ يُوسُفَ: أنَّ ابنَ جُرَيْجٍ أخْبَرَهُمْ قالَ أخْبَرَنِي عَبْدُ اللهِ بنُ أبي مُلَيْكَةَ: أنَّ بَنِي صُهَيْبٍ مَوْلَى ابنِ جُدْعانَ ادَّعَوْا بَيْتَيْنِ وحُجْرَةً، أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم أعْطَى ذلكَ صُهَيْبًا، فَقالَ مَرْوانُ: مَنْ يَشْهَدُ لَكُما عَلَى ذَلِكَ؟ فَقالَ: ابْنُ عُمَرَ، فَدَعاهُ فَشَهِدَ لَأعْطَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ صُهَيْبًا بَيْتَيْنِ وحُجْرَةً، فَقَضَى مَرْوانُ بِشَهادَتِهِ لَهُمْ.

CHAPTER. What is said about the ʿUmra and the Ruqba. If one says, "I give you the house as ʿUmra,"(1) one means, "I give it to you to live in as long as you are alive."

باب ما قِيلَ في العُمْرَى والرُّقْبَى.
أعْمَرْتُهُ الدَّارَ فَهِيَ عُمْرَى جَعَلْتُها لَهُ. اسْتَعْمَرَكُمْ فِيها: جَعَلَكُمْ عُمَّارًا.

793. Narrated Jābir رضي الله عنه: The Prophet ﷺ gave the verdict that ʿUmra is for the one to whom it is presented.

٧٩٣ - حدَّثَنا أبُو نُعَيْمٍ: حدَّثَنا شَيْبانُ، عَنْ يَحْيَى، عَنْ أبي سَلَمَةَ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: قَضَى النَّبِيُّ صلى اللهُ عليهِ وسلَّم بالعُمْرَى: أنَّها لِمَنْ وُهِبَتْ لَهُ.

794. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "ʿUmra is permissible." ʿAṭāʾ said, "Jābir narrated the

٧٩٤ - حدَّثَنا حَفْصُ بنُ عُمَرَ حدَّثَنا هَمَّامٌ: حدَّثَنا قَتادَةُ قالَ: حدَّثَنِي

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(1) This kind of gift is also called Ruqba which is derived from the Arabic verb meaning 'to wait' because both the giver and the person given to used to wait for the death of each other so that the house would belong to him permanently. (Fath-al-Bari, V. 6, P. 166)

same to me from the Prophet ﷺ."

CHAPTER. Borrowing a horse from some people.

795. Narrated Anas ؓ : Once the people of Medīna were frightened (by the news of the enemy) and the Prophet ﷺ borrowed a (slow) horse from Abū Ṭalḥa called Al-Mandūb, and rode it. When he came back he said, "We have not seen anything (to be afraid of), but the horse was very fast (having an energy as inexhaustible as the water of the sea)."

CHAPTER. To borrow something for the bride at the time of her wedding.

796. Narrated Aiman: I went to ʿAisha ؓ and she was wearing a coarse dress costing five Dirhams. ʿAisha said, "Look up and see my slave-girl who refuses to wear it in the house though during the lifetime of Allāh's Apostle ﷺ I had a similar dress which no woman desiring to appear elegant (before her husband) failed to borrow from me."(1)

النَّضْرُ بنُ أنَسٍ عَنْ بَشِيرِ بنِ نَهِيكٍ ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ ، عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : العُمْرَى جائِزَةٌ . وقالَ عَطاءٌ : حدَّثَنِي جابِرٌ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم مِثْلَهُ .

بابُ مَنِ اسْتَعارَ مِنَ النَّاسِ الفَرَسَ .

٧٩٥ - حدَّثَنا آدَمُ : حدَّثَنا شُعْبَةُ ، عَنْ قَتادَةَ قالَ : سَمِعْتُ أنَسًا يَقُولُ : كانَ فَزَعٌ بالمَدِينَةِ فاسْتَعارَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فَرَسًا مِنْ أبي طَلْحَةَ يُقالُ لَهُ المَنْدُوبُ فَرَكِبَهُ . فَلَمَّا رَجَعَ قالَ : ما رَأَيْنا مِنْ شَيْءٍ وإنْ وَجَدْناهُ لَبَحْرًا .

بابُ الاسْتِعارَةِ للعَرُوسِ عِنْدَ البِناءِ .

٧٩٦ - حدَّثَنا أبُو نُعَيمٍ : حدَّثَنا عَبْدُ الواحِدِ بنُ أيْمَنَ قالَ : حدَّثَنِي أبي قالَ : دَخَلْتُ عَلى عائِشَةَ رَضِيَ اللهُ عَنْها وعَلَيْها دِرْعُ قِطْرٍ ثَمَنَ خَمْسَةِ دَراهِمَ ، فَقالَتْ : ارْفَعْ بَصَرَكَ إلى جارِيَتِي ، انْظُرْ إلَيْها فإنَّها تُزْهَى أنْ

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(1) This indicates that people were so poor that they looked upon clothes of low quality highly.

تَلْبَسُهُ فِى الْبَيْتِ . وَقَدْ كَانَ لِى مِنْهُنَّ دِرْعٌ عَلَى عَهْدِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم فَمَا كَانَتِ امْرَأَةٌ تُقَيَّنُ بِالمَدِينَةِ إِلاَّ أَرْسَلَتْ إِلَىَّ تَسْتَعِيرُهُ .

CHAPTER. The superiority of the Maniha, i. e. a milch she-camel or a sheep lent to somebody to use its milk and return it to its owner afterwards.

بَابُ فَضْلِ المَنِيحَةِ .

797. Narrated Abū Huraira ؓ: Allāh's Apostle ﷺ said, " What a good Maniha the she-camel which has recently given birth and which gives profuse milk is, and (what a good Maniha) the sheep which gives profuse milk, a bowl in the morning and another in the evening is! "

٧٩٧ ـ حدَّثَنا يَحْيَى بنُ بُكَيْرٍ : حدَّثَنا مالكٌ ، عَنْ أَبِى الزِّنادِ ، عَنِ الأَعْرَجِ ، عَنْ أَبِى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : نِعْمَ المَنِيحَةُ اللِّقْحَةُ الصَّفِىُّ مِنْحَةً ، والشَّاةُ الصَّفِىُّ تَغْدُو بِإِناءٍ وَتَرُوحُ بِإِناءٍ .

798. Narrated Mālik: Maniha is a good deed of charity.

٧٩٨ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ وَإِسْماعِيلُ عَنْ مالكٍ قالَ : نِعْمَ الصَّدَقَةُ .

799. Narrated Ibn Shihāb Az-Zuhrī: Anas bin Mālik ؓ said, " When the emigrants came to Medīna, they had nothing whereas the Anṣār had land and property. The Anṣār gave them their land on condition that the emigrants would give them half the yearly yield and work on the land and provide the necessaries for cultivation." His (i. e. Anas's mother who was also the mother of

٧٩٩ ـ حدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ : أَخْبَرَنا ابنُ وَهْبٍ : حدَّثَنا يُونُسُ ، عَنِ ابنِ شِهابٍ ، عَنْ أَنَسِ بنِ مالكٍ رَضِىَ اللهُ عَنْهُ قالَ : لَمَّا قَدِمَ المُهاجِرُونَ المَدِينَةَ مِنْ مَكَّةَ وَلَيْسَ بِأَيْدِيهِمْ وَكانَتِ الأَنْصارُ أَهْلَ الأَرْضِ وَالعَقارِ فَقاسَمَهُمُ الأَنْصارُ عَلَى أَنْ يُعْطُوهُمْ ثِمارَ أَمْوالِهِمْ كُلَّ عامٍ وَيَكْفُوهُمُ

ʿAbdullāh bin Abū Ṭalḥā, gave some date-palms to Allāh's Apostle ﷺ who gave them to his freed slave-girl (Um Aiman) who was also the mother of Usāma bin Zaid. When the Prophet ﷺ finished fighting the people of Khaibar and returned to Medīna, the emigrants returned to the Anṣār the fruit gifts which the Anṣār had given them. The Prophet ﷺ also returned to Anas's mother the date-palms. Allāh's Apostle ﷺ gave Um Aiman other trees from his garden in lieu of the old gift.

العَمَلَ والمَؤُونَةَ. و كانَتْ أُمُّهُ أُمُّ أَنَسٍ أُمُّ سُلَيمٍ كانَتْ أُمَّ عَبدِاللهِ بنِ أبي طَلْحَةَ. فَكانَتْ أَعْطَتْ أُمُّ أَنَسٍ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم عِذَاقا فأعْطاهُنَّ النَّبِيُّ صلى اللهُ عليهِ وسلَّم أُمَّ أَيْمَنَ مَولاتَهُ أُمَّ أُسامَةَ بنِ زَيْدٍ. قالَ ابنُ شِهاب فأخْبَرَنى أَنَسُ بنُ مالِكٍ أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم لمَّا فَرَغَ مِنْ قَتْلِ أَهْلِ خَيْبَرَ فانْصَرَفَ إلى المَدِينَةِ رَدَّ المُهاجِرُونَ إلى الأنْصارِ مَنائِحَهُمُ الَّتى كانُوا مَنَحُوهُمْ مِنْ ثِمارِهِمْ، فَرَدَّ النَّبِيُّ صلى اللهُ عليهِ وسلَّم إلى أُمِّهِ عِذاقَها فَأَعْطَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أُمَّ أَيْمَنَ مَكانَهُنَّ مِنْ حائِطِهِ. و قالَ أَحْمَدُ بنُ شَبِيبٍ أَخْبَرَنا أبى، عَنْ يُونُسَ بِهذا، و قالَ مَكانَهُنَّ مِنْ خالِصِهِ.

800. Narrated ʿAbdullāh bin ʿAmr that Allāh's Apostle ﷺ said, "There are forty good virtuous deeds and the best of them is the Manīḥa of a she-goat, and anyone who does one of these virtuous deeds hoping for Allāh's reward with firm confidence that he will get it, then Allāh will make him enter Paradise because of it."

Ḥassān (a sub-narrator) said, "We tried to count those good deeds below the Manīḥa; we mentioned replying to

٨٠٠ ـ حَدَّثَنا مُسَدَّدٌ: حَدَّثَنا عِيسَى بنُ يُونُسَ: حَدَّثَنا الأوْزاعىُّ. عَنْ حَسَّانَ بنِ عَطِيَّةَ، عَنْ أبى كَبْشَةَ السَّلُولى قالَ: سَمِعْتُ عَبْدَ اللهِ بنَ عَمْرٍو رَضِيَ اللهُ عَنْهُما يَقُولُ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: أَرْبَعُونَ خَصْلَةً أَعْلاهُنَّ مَنِيحَةُ العَنْزِ. ما مِنْ عامِلٍ يَعْمَلُ بِخَصْلَةٍ مِنْها رَجاءَ ثَوابِها و تَصْدِيقَ مَوْعِدِها إلاَّ أَدْخَلَهُ اللهُ بِها

the sneezer, removing harmful things from the road, etc., but we failed to count even fifteen."

801. Narrated Jābir (رضي الله عنه): Some men had superfluous land and they said that they would give it to others to cultivate on the condition that they would get one-third or one-fourth or one half of its yield. The Prophet ﷺ said, "Whoever has land should cultivate it himself or give it to his brother or keep it uncultivated."

Narrated Abū Sa'īd (رضي الله عنه): A bedouin came to the Prophet ﷺ and asked him about emigration. The Prophet ﷺ said to him, "What a pity! The responsibilities of migration are very hard. Have you got some camels?" He replied in the affirmative. The Prophet ﷺ asked him, "Do you pay their Zakāt?" He replied in the affirmative. He asked, "Do you lend them so that their milk may be utilized by others?" The bedouin said, "Yes." The Prophet ﷺ asked, "Do you milk them on the day of watering them?" He replied, "Yes." The Prophet ﷺ said, "Do good deeds beyond the merchants and Allāh will never disregard any of your deeds."

802. Narrated Ṭāwūs that he was

الجَنَّةَ. قالَ حَسَّانُ: فَعَدَدْنا ما دُونَ مَنِيحَةِ العَنْزِ مِنْ رَدِّ السَّلامِ، وتَشْمِيتِ العاطِسِ، و إماطَةِ الأذَى عَنِ الطَّرِيقِ و نَحْوِهِ، فما اسْتَطَعْنا أنْ نَبْلُغَ خَمْسَ عَشْرَةَ خَصْلَةً.

٨٠١ - حدَّثَنا مُحَمَّدُ بنُ يُوسُفَ: حدَّثَنا الأوْزاعِيُّ: حدَّثَنِي عَطاءٌ، عَنْ جابِرٍ رَضِيَ اللهُ عَنْهُ قالَ: كانَتْ لِرِجالٍ مِنَّا فُضُولُ أرَضِينَ فَقالُوا نُؤاجِرُها بالثُّلُثِ والرُّبُعِ والنِّصْفِ، فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: مَنْ كانَتْ لَهُ أرْضٌ فَلْيَزْرَعْها أوْ لِيَمْنَحْها أخاهُ فإنْ أبَى فَلْيُمْسِكْ أرْضَهُ. وقالَ مُحَمَّدُ ابنُ يُوسُفَ: حدَّثَنا الأوْزاعِيُّ: حدَّثَنِي الزُّهْرِيُّ: حدَّثَنِي عَطاءُ بنُ يَزِيدَ: حدَّثَنِي أبُو سَعِيدٍ قالَ: جاءَ أعْرابِيٌّ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَسَألَهُ عَنِ الهِجْرَةِ، فَقالَ: وَيْحَكَ إنَّ الهِجْرَةَ شَأْنُها شَدِيدٌ فَهَلْ لكَ مِنْ إبِلٍ؟ قالَ: نَعَمْ. قالَ فَتُعْطِي صَدَقَتَها؟ قالَ: نَعَمْ، قالَ: فَهَلْ تَمْنَحُ مِنْها شَيْئًا؟ قالَ: نَعَمْ، قالَ فَتَحْلُبُها يَوْمَ وِرْدِها؟ قالَ: نَعَمْ. قالَ: فاعْمَلْ مِنْ وَراءِ التُّجَّارِ فإنَّ اللهَ لَنْ يَتِرَكَ مِنْ عَمَلِكَ شَيْئًا.

٨٠٢ - حدَّثَنا مُحَمَّدُ بنُ بَشَّارٍ:

told by the most learned one amongst them, i. e. Ibn ʿAbbas رضي الله عنهما, that the Prophet ﷺ went towards some land which was flourishing with vegetation and asked to whom it belonged. He was told that such and such a person took it on rent. The Prophet ﷺ said, "It would have been better (for the owner) if he had given it to him gratis rather than charging him a fixed rent.

حدَّثنا عبْدُ الوهَّابِ: حدَّثنا أيوبُ، عنْ عمْرٍو، عنْ طاوُسٍ قالَ: حدَّثني أعلَمُهُمْ بذاكَ، يعْني ابنَ عبَّاسٍ رضيَ اللهُ عنْهما، أنَّ النبيَّ صلى الله عليه وسلَّم خرَجَ إلى أرْضٍ تهتزُّ زرْعًا، فقالَ: لمَنْ هذهِ؟ فقالُوا: اكتَراها فُلانٌ. فقالَ: أما إنَّهُ لوْ منَحَها إيَّاهُ كانَ خيرًا لهُ مِنْ أنْ يأخُذَ عليها أجرًا معلُوما.

CHAPTER. It is permissible if somebody says, "I give this slave-girl to you for your service according to the prevalent convention known amongst the people."

Some people said, "She is regarded as something lent temporarily, but if someone says, 'I give you this garment to wear,' then it is a gift."

بابٌ إذا قالَ أخدَمْتُكَ هذهِ الجاريةَ على ما يتعارفُ النَّاسُ فهوَ جائزٌ. وقالَ بعْضُ النَّاسِ: هذهِ عاريةٌ. و إنْ قالَ كسوْتُكَ هذا الثَّوْبَ فهذهِ هِبةٌ.

803. Narrated Abu Huraira رضي الله عنه: Allah's Apostle ﷺ, said, "The Prophet Abraham migrated with Sarah. عليهم السَّلام The people (of the town where they migrated) gave her Ājar (i.e. Hajar). Sarah returned and said to Abraham, "Do you know that Allah has humiliated that pagan and he has given a slave-girl for my service?"

٨٠٣ - حدَّثنا أبو اليمانِ: أخبرَنا شُعيبٌ: حدَّثنا أبو الزِّنادِ، عنِ الأعْرجِ، عنْ أبي هُريْرةَ رضيَ اللهُ عنْهُ: أنَّ رسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: هاجرَ إبْراهيمُ بسارةَ فأعطَوْها آجرَ فرجعتْ فقالتْ: أشعرْتَ أنَّ اللهَ كبتَ الكافرَ وأخْدمَ وليدةً؟ وقالَ ابنُ سيرينَ، عنْ أبي هُريْرةَ، عنِ النبيِّ صلى اللهُ عايه وسلَّم: فأخْدمَها هاجرَ.

CHAPTER. If somebody gives an-

بابٌ - إذا حمَلَ رجُلٌ على فرَسٍ

other person a horse (as a gift) then the rule is the same as that concerning the ʿUmra or Ṣadaqa (i. e. the giver has no right to claim restitution). Some people said, "The giver retains the right to claim restitution."

فَهُوَ كالعُمْرَى والصَّدَقَةِ . وقالَ بَعْضُ النَّاسِ: لَهُ أنْ يَرْجِعَ فِيهِمْا .

804. Narrated ʿUmar bin Al-Khaṭṭāb رضي الله عنه : Once I gave a horse (for riding) in Allāh's Cause. Later I saw it being sold. I asked Allāh's Apostle ﷺ (whether I could buy it). He said, "Don't buy it, for you should not get back what you have given in charity."

٨٠٤ ـ حدَّثَنا الحُمَيْدِيُّ: أخْبَرَنا سُفْيانُ قالَ: سَمِعْتُ مالِكاً يَسْأَلُ زَيْدَ ابنَ أسْلَمَ فَقالَ: سَمِعْتُ أبي يَقُولُ: قالَ عُمَرُ رَضِيَ اللهُ عَنْهُ: حَمَلْتُ عَلَى فَرَسٍ فِي سَبِيلِ اللهِ فَرَأَيْتُهُ يُباعُ، فَسَأَلْتُ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: لا تَشْتَرِهِ ولا تَعُدْ فِي صدقَتِكَ.

In the name of Allāh,
the most Beneficent, the most Merciful

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ

THE BOOK OF WITNESSES :

كتاب الشهادات

CHAPTER. What is said regarding the rule that the plaintiff has to produce a proof in accordance with the Statement of Allah تعالى :—

> ' When you deal with each other
> In transactions involving future
> Obligations in a fixed period of time ,
> Reduce them to writing......
> ...... (to the end of the verse)
> (2 : 282) (1)

بابُ ما جاءَ فى البَيِّنَةِ عَلَى المُدَّعِى، لِقَوْلِهِ تَعالى - يا أيُّها الذِينَ آمَنُوا إذَا تَدَايَنْتُمْ بِدَيْنٍ إلى أجَلٍ مُسَمًّى فاكْتُبُوهُ - الآيَةِ. وقَوْلِ اللهِ عَزَّ وَجَلَّ - يا أيُّها الذِينَ آمَنُوا كُونُوا قَوَّامِينَ بالقِسْطِ شُهَدَاءَ للهِ - إلى قَوْلِهِ - بِما تَعْمَلُونَ خَبِيرًا -.

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(1) Let a just scribe write down the obligations between you. Let not the scribe refuse to write, as Allāh has taught him. So, Let him write, and let him who owes the debt dictate, and let him fear Allāh, his Lord, and not deduct anything of what he owes. If the debtor is mentally deficient, or weak, or unable to dictate, let his guardian dictate faithfully. And get two witnesses of your own men, and if they are not available, then a man and two women, such as you choose for witnesses, so that if one of them errs, the other can remind her. The witnesses should not refuse when they are called on (for evidence). Disdain not to reduce to writing (your contracts) for a future period whether it be small or big : It is more just in the sight of Allāh, more suitable as evidence, and more convenient to prevent doubts among yourselves. But if it be a transaction which you carry out on the spot among yourselves, there is no blame on you if you do not reduce it to writing. But take witnesses whenever you make a commercial contract ; and let neither scribe nor witness suffer harms. If you do (such harm), it will be wickedness in you. So fear Allah, for it is Allah that teaches you. And Allāh is well acquainted with all things. (2 : 282)

And the Statement of Allāh عَزَّ وجَلَّ :—

'O you who believe!
Stand out firmly
For justice, as witnesses...(1)
... (to the end of the verse)
For Allāh is well acquainted
With all that you do.' (4:135)

CHAPTER. If a person attests the honourable record of a witness by saying, "I do not know except good about him." In the narration of the great lie (i.e. the accusation of ʿĀisha رضي الله عنها) when the Prophet ﷺ consulted Usāma (regarding ʿĀisha), Usāma said, "Keep your wife as we know nothing about her but good."

بابٌ - إذَا عَدَّلَ رَجُلٌ رَجُلاً فَقالَ: لا نَعْلَمُ إلاَّ خَيرًا - أوْ: ما عَلِمْتُ إلاَّ خَيرًا. وساقَ حَدِيثَ الإفْكِ فَقالَ النَّبِيُّ صلى اللهُ عليه وسلَّم لأسامَةَ حِينَ اسْتَشارَهُ فَقالَ: أهْلَكَ ولا نَعْلَمُ إلاَّ خَيرًا.

805. Narrated ʿUrwa bin Al-Musayyab, ʿAlqama bin Waqqās and ʿUbaidullāh bin ʿAbdullāh about the story of ʿĀisha رضي الله عنها and their narrations were similar attesting each other, when the liars said what they invented about ʿĀisha. When the Divine Inspiration delayed, Allāh's Apostle ﷺ sent for ʿAlī and Usāma to consult them in divorcing his wife (i. e. ʿĀisha). Usāma said, "Keep your wife, as we know nothing about her but good." Buraira said, "I cannot accuse her of

٨٠٥ - حدَّثنا حَجَّاجٌ: حدَّثنا عَبْدُ اللهِ بنُ عُمَرَ النميرىُّ: حدَّثنا ثَوبانُ. وقالَ اللَّيْثُ، حدَّثني يُونُس عَنِ ابنِ شِهاب قالَ: أخْبرني عُرْوَةُ وابنُ المُسَيَّبِ وعَلْقَمَةُ بنُ وقَّاصٍ وعُبَيْدُ اللهِ بنُ عَبْدِ اللهِ عَنْ حَدِيثِ عائِشَةَ رَضِيَ اللهُ عَنها، وبَعْضُ حَدِيثِهِمْ يُصَدِّقُ بَعْضًا حِينَ قالَ لَها أهلُ الإفْكِ ما قالُوا، فَدَعا رَسُولُ اللهِ صلى اللهُ عليه وسلَّم عَلِيًّا وأُسامَةَ

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(1) To Allāh, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: For Allāh can best protect both. Follow not the lusts (of your hearts), lest you swerve but if you distort (justice) or decline to do justice, for Allāh is well acquainted with all that you do. (4:134)

any defect except that she is still a young girl who sleeps, neglecting her family's dough which the domestic goats come to eat (i. e. she was too simple-minded to deceive her husband)." Allāh's Apostle ﷺ said, "Who can help me take revenge over the man who has harmed me by defaming the reputation of my family? By Allāh, I have not known about my family but good, and they mentioned (i.e. accused) a man about whom I did not know but good."

حِينَ اسْتَلْبَثَ الوَحْيُ يَسْتَأْمِرُهُمَا فِى فِرَاقِ أَهْلِهِ ، فَأَمَّا أُسَامَةُ فَقَالَ : أَهْلَكَ وَلَا نَعْلَمُ إِلَّا خَيْرًا ، وَقَالَتْ بَرِيرَةُ : إِنْ رَأَيْتُ عَلَيْهَا أَمْرًا أَغْمِصُهُ أَكْثَرَ مِنْ أَنَّهَا جَارِيَةٌ حَدِيثَةُ السِّنِّ تَنَامُ عَنْ عَجِينِ أَهْلِهَا ، فَتَأْتِى الدَّاجِنُ فَتَأْكُلُهُ . فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : مَنْ يَعْذِرُنَا مِنْ رَجُلٍ بَلَغَنِى أَذَاهُ فِى أَهْلِ بَيْتِى ؟ فَوَاللهِ مَا عَلِمْتُ مِنْ أَهْلِى إِلَّا خَيْرًا . وَلَقَدْ ذَكَرُوا رَجُلًا مَا عَلِمْتُ عَلَيْهِ إِلَّا خَيْرًا .

CHAPTER. The witness of an eavesdropper. ʿAmr bin Ḥuraith allowed such a witness and said, "This is the way to be followed to discover the reality of an evil person." Ibn Sīrīn, ʿAṭā and Qatāda said, "A witness can be based on hearing only (i. e. even if the hearer does not see the speaker.)" Al-Ḥasan used to say at the time of giving evidence, "They did not make me a witness but I heard so-and-so."

بابُ شَهَادَةِ المُخْتَبِىءِ . وَأَجَازَهُ عَمْرُو بنُ حُرَيْثٍ قَالَ : وَكَذَلِكَ يُفْعَلُ بِالكَاذِبِ الفَاجِرِ ، وَقَالَ الشَّعْبِىُّ وَابنُ سِيرِينَ وَعَطَاءٌ وَقَتَادَةُ : السَّمْعُ شَهَادَةٌ . وَكَانَ الحَسَنُ يَقُولُ : لَمْ يُشْهِدُونِى عَلَى شَىْءٍ وَلَكِنْ سَمِعْتُ كَذَا وَكَذَا .

806. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ and Ubai bin Kaʿb Al-Anṣārī went to the garden where Ibn Ṣaiyād lived. When Allāh's Apostle ﷺ entered (the garden), he (i. e. Allāh's Apostle ﷺ) started hiding himself behind the date-palms as he wanted to hear secretly the talk of Ibn Ṣaiyād before the latter saw him. Ibn Ṣaiyād wrapped with a soft decorated sheet was lying on his bed

٨٠٦ ـ حَدَّثَنَا أَبُو اليَمَانِ : أَخْبَرَنَا شُعَيْبٌ ، عَنِ الزُّهْرِىِّ : قَالَ سَالِمٌ : سَمِعْتُ عَبْدَ اللهِ بنَ عُمَرَ رَضِىَ اللهُ عَنْهُمَا يَقُولُ : انْطَلَقَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم وَأُبَىُّ بنُ كَعْبٍ الأَنْصَارِىُّ يَؤُمَّانِ النَّخْلَ الَّتِى فِيهَا ابنُ صَيَّادٍ حَتَّى إِذَا دَخَلَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم طَفِقَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يَتَّقِى

murmuring. Ibn Ṣaiyād's mother saw the Prophet ﷺ hiding behind the stems of the date-palms. She addressed Ibn Ṣaiyād saying, "O Ṣāf, this is Muḥammad." Hearing that Ibn Ṣaiyād stopped murmuring (or got cautious), the Prophet ﷺ said, "If she had left him undisturbed, he would have revealed his reality."

بِجُذُوعِ النَّخْلِ وهُوَ يَخْتِلُ أنْ يَسْمَعَ مِن ابنِ صَيَّادٍ شَيْئًا قَبْلَ أنْ يَرَاهُ، وابنُ صَيَّادٍ مُضْطَجِعٌ عَلَى فِرَاشِهِ في قَطِيفَةٍ لَهُ فِيها رَمْرَمَةٌ، أوْ زَمْزَمَةٌ. فَرَأَتْ أُمُّ ابنِ صَيَّادٍ النَّبِيَّ صلى اللهُ عليه وسلَّم وهُوَ يَتَّقِي بِجُذُوعِ النَّخْلِ، فَقالَتْ لابْنِ صَيَّادٍ: أيْ صَافِ، هذا مُحَمَّدٌ، فَتَنَاهَى ابنُ صَيَّادٍ. قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: لَوْ تَرَكَتْهُ بَيَّنَ.

807. Narrated 'Aisha رضي الله عنها : The wife of Rifā'a Al-Quraẓī came to the Prophet ﷺ and said, "I was Rifā'a's wife, but he divorced me and it was a final irrevocable divorce. Then I married 'Abdur-Raḥmān Az-Zubair but he is impotent." The Prophet ﷺ asked her, "Do you want to re-marry Rifā'a? You cannot unless you had a complete sexual relation with your present husband."

Abū Bakr was sitting with Allāh's Apostle ﷺ and Khālid bin Sa'īd bin Al-'Āṣ was at the door waiting to be admitted. He said, "O Abū Bakr! Do you hear what this (woman) is revealing frankly before the Prophet ﷺ?"

٨٠٧ - حَدَّثَنِي عَبْدُ اللهِ بنُ مُحَمَّدٍ: حَدَّثَنا سُفْيانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنها قالَتْ: جاءَتِ امْرَأةُ رِفاعَةَ القُرَظِيِّ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم فَقالَتْ: كُنْتُ عِنْدَ رِفاعَةَ فَطَلَّقَنِي فأبَتَّ طَلاقِي، فَتَزَوَّجْتُ عَبْدَ الرَّحْمَنِ بنَ الزُّبَيْرِ، إنَّما مَعَهُ مِثْلُ هُدْبَةِ الثَّوْبِ. فَقالَ: أتُرِيدِينَ أنْ تَرْجِعِي إلى رِفاعَةَ؟ لا، حتَّى تَذُوقِي عُسَيْلَتَهُ ويَذُوقَ عُسَيْلَتَكِ، وأبُو بَكْرٍ جالِسٌ عِنْدَهُ وخالِدُ بنُ سَعِيدِ بنِ العاصِ بالبابِ يَنْتَظِرُ أنْ يُؤْذَنَ لَهُ. فَقالَ: يا أبا بَكْرٍ، ألا تَسْمَعُ إلى هذِهِ ما تَجْهَرُ بِهِ عِنْدَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم؟.

CHAPTER. When a witness or witnesses give an evidence and some people

بابٌ - إذا شَهِدَ شاهِدٌ، أوْ شُهُودٌ بِشَيْءٍ. وقالَ آخَرُونَ: ما عَلِمْنا ذَلِكَ

say that they do not know such an evidence, then the case will be decided according to the statement of the witnesses. Al-Ḥumaidi said, "This (judgement) was adopted when Bilal said that the Prophet ﷺ had prayed inside the Ka'ba while Al-Faḍl said that he had not prayed, so the people accepted Bilal's assertion. Similarly, if two persons give witness that such a person owes another one-thousand Dirhams, but two other witnesses state that he owes him one thousand and five-hundred Dirhams then the judgement will be based on the higher amount.

يُحْكَمُ بِقَوْلِ مَنْ شَهِدَ. قالَ الحُمَيْدِيُّ هذَا كما أخْبرَ بِلالٌ أنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم صلَّى فى الكَعْبَةِ. وقالَ الفَضْلُ: لمْ يُصلِّ، فأخَذَ النَّاسُ بِشَهادَةِ بِلالٍ. كذَلكَ إنْ شَهِدَ شاهِدَانِ أنَّ لِفُلانٍ علَى فُلانٍ ألْفَ دِرْهَمٍ و شَهِدَ آخَرَانِ بألْفٍ و خَمْسَمِائَةٍ يُقْضَى بالزّيادَةِ.

808. Narrated 'Abdullāh bin Abū Mulaika from 'Uqba bin Al-Ḥārith: 'Uqba married the daughter of Abū Ihāb bin Azīz, and then a woman came and said, "I suckled 'Uqba and his wife." 'Uqba said to her, "I do not know that you have suckled me, and you did not inform me." He then sent someone to the house of Abū Ihāb to enquire about that but they did not know that she had suckled their daughter. Then 'Uqba went to the Praphet ﷺ in Medīna and asked him about it. The Prophet ﷺ said to him, "How (can you keep your wife) after it has been said (that both of you were suckled by the same woman)?" So, he divorced her and she was married to another husband.

٨٠٨ ـ حدَّثَنا حَبَّانُ: أخْبرَنا عَبْدُ اللهِ: أخْبرَنا عَمْرُو بنُ سَعِيدِ بنِ أبي حُسَيْنٍ قالَ: أخْبرَنى عَبْدُ اللهِ بنُ أبي مُلَيْكَةَ، عَنْ عُقْبَةَ بنِ الحارِثِ: أنَّهُ تزَوَّجَ ابْنَةً لأبي إهابِ بنِ عَزِيزٍ فأتَتْهُ امْرَأةٌ فقالَتْ: قدْ أرْضَعْتُ عُقْبَةَ والَّتى تزَوَّجَ، فقالَ لَهَا عُقْبَةُ: ما أعْلَمُ أنَّكِ أرْضَعْتِنِى ولا أخْبَرْتِنِى، فأرْسَلَ إلى آلِ أبي إهَابٍ يَسْألهُمْ، فقالُوا: ما عَلِمْنا أرْضَعَتْ صَاحِبَتَنا، فرَكِبَ إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم بالمَدِينَةِ فَسَألَهُ، فقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: كَيْفَ و قَدْ قِيلَ ؟ ففارَقَها و نَكَحَتْ زَوْجاً غَيرَهُ.

CHAPTER. The just witnesses. And the Statement of Allah تعالى :—

‘And call to witness
Two just men from amongst you.’
(65:2)
‘Witnesses whom you are satisfied with.’ (2:282)

بابُ الشُّهَدَاءِ العُدُولِ، وقَوْلِ اللهِ تَعالى - وأَشْهِدُوا ذَوَيْ عَدْلٍ مِنْكُمْ - و - مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَداءِ - .

809. Narrated ʿUmar bin Al-Khaṭṭāb رضي الله عنه : People were (sometimes) judged by the Divine Inspiration during the lifetime of Allāh's Apostle ﷺ , but now there is no longer any new revelation. Now we judge you by the deeds you practise publicly, so we will trust and favour him who does good deeds in front of us, and we will not bother about what is really going on in himself, for Allāh will judge him thereby; but we will not trust or believe him who shows an evil deed even if he claims that his intention is good.

٨٠٩ - حدَّثَنا الحَكَمُ بنُ نافِعٍ، أَخْبَرَنا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قالَ: حدَّثَنِي حُمَيْدُ بنُ عَبْدِ الرَّحْمَنِ بنِ عَوْفٍ: أنَّ عَبْدَ اللهِ بنَ عُتْبَةَ قالَ: سَمِعْتُ عُمَرَ بنَ الخَطَّابِ رَضِيَ اللهُ عَنْهُ يَقُولُ: إنَّ أُناسا كانُوا يُؤْخَذُونَ بالوَحْيِ في عَهْدِ رَسُولِ اللهِ صلى اللهُ عليه وسلَّم و إنَّ الوَحْيَ قَدِ انْقَطَعَ، و إنَّما نَأْخُذُكُمُ الآنَ بِما ظَهَرَ لَنا مِنْ أَعْمالِكُمْ، فَمَنْ أَظْهَرَ لَنا خَيْرًا أَمِنَّاهُ وقَرَّبْناهُ، و لَيْسَ إلَيْنا مِنْ سَرِيرَتِهِ شَيْءٌ واللهُ يُحاسِبُهُ في سَرِيرَتِهِ، و مَنْ أَظْهَرَ لَنا سُوءًا لمْ نأْمَنْهُ ولَمْ نُصَدِّقْهُ، و إنْ قالَ إنَّ سَرِيرَتَهُ حَسَنَةٌ .

CHAPTER. How many witnesses are sufficient to attest one's honourable or bad record ?

بابُ تَعْدِيلِ كَمْ يَجُوزُ ؟ .

810. Narrated Anas رضي الله عنه : A funeral procession passed in front of the Prophet ﷺ and the people praised the deceased. The Prophet ﷺ said, “It has been affirmed (Paradise).” Then another

٨١٠ - حدَّثَنا سُلَيْمانُ بنُ حَرْبٍ: حدَّثَنا حَمَّادُ بنُ زَيْدٍ، عَنْ ثابِتٍ، عَنْ أَنَسٍ رَضِيَ اللهُ عَنْهُما قالَ: مُرَّ عَلَى النَّبِيِّ صلى اللهُ عليه وسلَّم بِجَنازَةٍ

funeral procession passed by and the people talked badly of the deceased. The Prophet ﷺ said, "It has been affirmed (Hell)." Allāh's Apostle ﷺ was asked, "O Allāh's Apostle! You said it has been affirmed for both?" The Prophet ﷺ said, "The testimony of the people (is accepted), (for) the faithful believers are Allāh's witnesses on the earth."

811. Narrated Abū Al-Aswad: Once I went to Medīna where there was an outbreak of disease and the people were dying rapidly. I was sitting with 'Umar رضي الله عنه and a funeral procession passed by. The people praised the deceased. 'Umar said, "It has been affirmed (Paradise). When another funeral procession passed by. The people praised the deceased. 'Umar said, "It has been affirmed (Paradise)." Then a third funeral procession passed by and the people talked badly of the deceased. 'Umar said, "It has been affirmed (Hell)." I asked 'Umar, "O the cheif of faithful believers! What has been affirmed?" He said, "I have said what the Prophet ﷺ said. He said, 'Allāh will admit into Paradise any Muslim whose good character is attested by four persons.' We asked the Prophet ﷺ 'If there were three witnesses only?' He said, 'Even three.' We asked, 'If there were two only?' He said, 'Even two.' But we did not ask him about one witness."

فأَثْنَوْا عَلَيها خَيرًا ، فقَالَ : وجَبَتْ . ثُمَّ مُرَّ بأُخْرَى فأَثْنَوْا عَلَيها شَرًّا أو قالَ : غَيرَ ذَلكَ . فقَالَ : وجَبَتْ . فقِيلَ : يا رَسُولَ اللهِ ؛ قُلْتَ لِهَذا وجَبَتْ ولِهَذا وَجَبَتْ قالَ : شَهادَةُ القَوْمِ ، المُؤْمِنُونَ شُهَدَاءُ اللهِ فى الأَرْضِ .

٨١١ - حدَّثَنا مُوسَى بنُ إسْمَاعِيلَ : حدَّثَنا دَاوُدُ بنُ أبى الفُرَاتِ : حدَّثَنا عَبْدُ اللهِ بنُ بُرَيْدَةَ عَنْ أبى الأَسْوَدِ قالَ : أتَيْتُ المَدِينَةَ وقَدْ وَقَعَ بها مَرَضٌ وهُمْ يَمُوتُونَ مَوْتًا ذَرِيعًا فجَلَسْتُ إلى عُمَرَ رَضِيَ اللهُ عَنْهُ فمَرَّتْ جَنَازَةٌ فأُثْنِيَ خَيرًا ، فقَالَ عُمَرُ : وجَبَتْ . ثُمَّ مُرَّ بأُخْرَى فأُثْنِيَ خَيرًا فقَالَ : وَجَبَتْ . ثُمَّ مُرَّ بالثَّالِثَةِ فأُثْنِيَ شَرًّا فقَالَ : وجَبَتْ ، فقُلْتُ : وما وَجَبَتْ يا أمِيرَ المُؤْمِنِينَ ؟ قالَ : قُلْتُ كما قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ : أيُّما مُسْلِمٍ شَهِدَ لَهُ أرْبَعَةٌ بخَيرٍ أدْخَلَهُ اللهُ الجَنَّةَ . قُلْنا : وثَلاثَةٌ ؟ قالَ : وثَلاثَةٌ ، قُلْنا : واثْنانِ ؟ قالَ : واثْنانِ ، ثُمَّ لمْ نَسْأَلْهُ عَنِ الواحِدِ .

CHAPTER. To give witness concerning lineage, foster relations and long-dead persons.

The Prophet ﷺ said, "I and Abū Salama were suckled by Thuwaiba."

The necessity of being sure of the witness in such cases.

بابُ الشَّهادَةِ عَلى الأَنْسابِ والرَّضاعِ المُسْتَفِيضِ والمَوْتِ القَدِيمِ.

وقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: أَرْضَعَتْنى وأبا سَلَمَةَ ثُوَيْبَةُ، والتَّثَبُّتِ فِيهِ.

812. Narrated ʿAisha ﵂ : Aflaḥ asked my permission to see me but I did not allow him. He said, "Do you veil your-self before me although I am your uncle?" ʿAisha said, "How is that?" Aflaḥ replied, "You were suckled by my brother's wife with my brother's milk." I asked Allāh's Apostle ﷺ about it, and he said, "Aflaḥ is right, so permit him to see you."

٨١٢ - حدَّثنا آدَمُ: حدَّثنا شُعْبَةُ: أخْبَرَنا الحَكَمُ، عَنْ عِرَاكِ بنِ مالكٍ، عَنْ عُرْوَةَ بنِ الزُّبَيرِ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: اسْتَأْذَنَ عَلَيَّ أفْلَحُ فَلَمْ آذَنْ لَهُ. فَقالَ: أتَحْتَجِبِينَ مِنِّى وأنا عَمُّكِ؟ فَقالَتْ: وكَيْفَ ذَلكَ؟ قالَ: أرْضَعَتْكِ امْرَأَةُ أخِى بِلَبَنِ أخِى. فَقالَتْ: سَألْتُ عَنْ ذَلكَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ: صَدَقَ أفْلَحُ، ائْذِنِى لَهُ.

813. Narrated Ibn ʿAbbās ﵄ : The Prophet ﷺ said about Ḥamza's daughter, "I am not legally permitted to marry her, as foster relations are treated like blood relations (in marital affairs). She is the daughter of my foster brother."

٨١٣ - حدَّثنا مُسْلِمُ بنُ إبْرَاهِيمَ: حدَّثنا هَمَّامٌ: حدَّثنا قَتادَةُ، عَنْ جابِرِ ابنِ زَيْدٍ، عَنِ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فى بِنْتِ حَمْزَةَ: لا تَحِلُّ، يَحْرُمُ مِنَ الرَّضاعَةِ ما يَحْرُمُ مِنَ النَّسَبِ، هِىَ ابْنَةُ أخِى مِنَ الرَّضاعَةِ.

814. Narrated ʿAmra bint ʿAbdur-Raḥmān that ʿAisha ﵂ , the wife of the Prophet ﷺ told her uncle that

٨١٤ - حدَّثنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالكٌ، عَنْ عَبْدِ اللهِ بنِ أبى بَكْرٍ،

عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ : أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْهَا زَوْجَ النَّبِيِّ صلى اللهُ عليه وسلَّم أَخْبَرَتْهَا أَنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم كانَ عِنْدَهَا و أَنَّهَا سَمِعَتْ صَوْتَ رَجُلٍ يَسْتَأْذِنُ في بَيْتِ حَفْصَةَ ، قالَتْ عائِشَةُ رَضِيَ اللهُ عَنْهَا: فَقُلْتُ : يا رَسُولَ اللهِ ، أُرَاهُ فُلانًا لِعَمِّ حَفْصَةَ مِنَ الرَّضَاعَةِ . فَقالَتْ عائِشَةُ : يا رَسُولَ اللهِ : هذا رَجُلٌ يَسْتَأْذِنُ في بَيْتِكَ . قالَتْ : فَقالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: أُرَاهُ فُلانًا لِعَمِّ حَفْصَةَ مِنَ الرَّضَاعِ ، فَقالَتْ عائِشَةُ : لَوْ كانَ فُلانٌ حَيًّا لِعَمِّهَا مِنَ الرَّضَاعَةِ دَخَلَ عَلَيَّ ، فَقالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: نَعَمْ ، إنَّ الرَّضَاعَةَ يُحَرِّمُ مِنْهَا ما يَحْرُمُ مِنَ الوِلادَةِ .

once, while the Prophet ﷺ was in her house, she heard a man asking Ḥafṣa's permission to enter her house. Aisha رضي الله عنها said, "I said, 'O Allāh's Apostle! I think the man is Ḥafṣa's foster uncle.'" ʿAisha added, "O Allāh's Apostle! There is a man asking the permission to enter your house." Allāh's Apostle ﷺ replied, "I think the man is Ḥafṣa's foster uncle." ʿAisha said, "If so-and-so were living (i. e. her foster uncle) would he be allowed to see me?" Allāh's Apostle ﷺ said, "Yes, he would, as the foster relations are treated like blood relations (in marital affairs)."

٨١٥ ـ حدَّثَنا مُحَمَّدُ بنُ كَثِيرٍ : أَخْبَرَنا سُفْيانُ ، عَنْ أَشْعَثَ بنِ أَبي الشَّعْثاءِ ، عَنْ أَبِيهِ ، عَنْ مَسْرُوقٍ : أَنَّ عائِشَةَ رَضِيَ اللهُ عَنْهَا قالَتْ : دَخَلَ عَلَيَّ النَّبِيُّ صلى اللهُ عليه وسلَّم و عِنْدِي رَجُلٌ فَقالَ : يا عائِشَةُ : مَنْ هذا ؟ قُلْتُ : أَخِي مِنَ الرَّضَاعَةِ ، قالَ : يا عائِشَةُ انْظُرْنَ مَنْ إخْوانُكُنَّ فإنَّما الرَّضَاعَةُ مِنَ المَجاعَةِ . تابَعَهُ ابنُ مَهْدِيٍّ عَنْ سُفْيانَ .

815. Narrated ʿAisha رضي الله عنها : Once the Prophet ﷺ came to me while a man was in my house. He said, "O ʿAisha! Who is this (man)?" I replied, "My foster brother." He said, "O ʿAisha! Be sure about your foster brothers, as fostership is only valid if it takes place in the suckling period (before two years of age)."

CHAPTER. The witness of a person falsely accusing somebody of illegal sexual intercourse and the witness of a thief or an adulterer.

The Statement of Allāh عَزَّ وَجَلَّ :—

' Never accept their witnesses
For they are evil doers,
Except those who repent thereafter
And reform their behaviour.' (24: 4)

ʿUmar gave legal punishment of scourging to Abū Bakra, Shibl bin Maʿbad and Nāfiʿ for accusing Al-Mughīra for illegal sexual intercourse falsely, and then they were made to repent and he said that whoever repented, his witness would be accepted (in the future). ʿAbdullāh bin ʿUtba, ʿUmar bin ʿAbdul Azīz, Sa id bin Jubair, Ṭāwūs, Mujāhid, Ash-Shaʿbī, ʿIkrima, Az-Zuhrī, Muḥārib bin Dithār, Shuraiḥ and Muʿāwiya bin Qurra concidered it permissible (i.e. the witness of the false accusers after being punished). Abū Az-Zinād said, " Our verdict in Medīna is that, if the false accuser (of others of illegal sexual intercourse) withdraws the accusation, and repents, then his (future) witness is acceptable." Ash-Shabi and Qatāda said, " If he tells that he has told a lie, the legal punishment will be instituted against him, but his (future) witness will be accepted." Ath-Thaurī said, " If a slave is scourged (for falsely accusing others of illegal sexual intercorse) and later on he is manumitted, then his (future) witness is to be accepted. If somebody who has recieved

بَابُ شَهَادَةِ الْقَاذِفِ وَالسَّارِقِ وَالزَّانِي، وَقَوْلِ اللهِ عَزَّ وَجَلَّ - وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ إِلَّا الَّذِينَ تَابُوا مِنْ بَعْدِ ذَلِكَ وَأَصْلَحُوا - وَجَلَدَ عُمَرُ أَبَا بَكْرَةَ وَشِبْلَ بْنَ مَعْبَدٍ وَنَافِعًا بِقَذْفِ الْمُغِيرَةِ، ثُمَّ اسْتَتَابَهُمْ. وَقَالَ: مَنْ تَابَ قُبِلَتْ شَهَادَتُهُ. وَأَجَازَهُ عَبْدُ اللهِ ابْنُ عُتْبَةَ، وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ، وَسَعِيدُ بْنُ جُبَيْرٍ، وَطَاوُسٌ وَمُجَاهِدٌ وَالشَّعْبِيُّ وَعِكْرِمَةُ وَالزُّهْرِيُّ وَمُحَارِبُ بْنُ دِثَارٍ وَشُرَيْحٌ وَمُعَاوِيَةُ بْنُ قُرَّةَ. وَقَالَ أَبُو الزِّنَادِ: الْأَمْرُ عِنْدَنَا بِالْمَدِينَةِ إِذَا رَجَعَ الْقَاذِفُ عَنْ قَوْلِهِ فَاسْتَغْفَرَ رَبَّهُ قُبِلَتْ شَهَادَتُهُ. وَقَالَ الشَّعْبِيُّ وَقَتَادَةُ: إِذَا أَكْذَبَ نَفْسَهُ جُلِدَ وَقُبِلَتْ شَهَادَتُهُ. وَقَالَ الثَّوْرِيُّ: إِذَا جُلِدَ الْعَبْدُ ثُمَّ أُعْتِقَ جَازَتْ شَهَادَتُهُ، وَإِنِ اسْتُقْضِيَ الْمَحْدُودُ فَقَضَايَاهُ جَائِزَةٌ. وَقَالَ بَعْضُ النَّاسِ: لَا تَجُوزُ شَهَادَةُ الْقَاذِفِ وَإِنْ تَابَ، ثُمَّ قَالَ: لَا يَجُوزُ نِكَاحٌ بِغَيْرِ شَاهِدَيْنِ فَإِنْ تَزَوَّجَ بِشَهَادَةِ مَحْدُودَيْنِ جَازَ وَإِنْ تَزَوَّجَ بِشَهَادَةِ عَبْدَيْنِ لَمْ يَجُزْ. وَأَجَازَ شَهَادَةَ الْمَحْدُودِ

such punishment is made a judge, his decisions will be valid." According to some-one, the witness of a false-accuser is not to be accepted even if he repented. He also says, "The marriage is not legal unless it is witnessed by two witnesses; it is permissible that the two witnesses have received such punishments but slaves are not to be accepted as witnesses to marriage." He accepts the witness of the person who has received the punishment (for falsely accusing others of illegal sexual intercourse) and the witness of a male slave and a female slave concerning the appearance of the new moon (i.e. crescent) (of the month of fasting). How to know the repentance of a person who has received the punishment of false accusation and no doubt, the Prophet ﷺ kept an adulterer in exile for one year. The Prophet ﷺ did not allow anybody to talk to Ka'b bin Mālik and his two companions for fifty days.

وَالعَبْدِ وَالأَمَةِ لِرُؤْيَةِ هِلَالِ رَمَضَانَ وَكَيْفَ تُعْرَفُ تَوْبَتُهُ. وَقَدْ نَفَى النَّبِىُّ صلى اللهُ عليهِ وسلَّم الزَّانِىَ سَنَةً، وَنَهَى النَّبِىُّ صلى اللهُ عليهِ وسلَّم عَنْ كَلَامِ كَعْبِ بْنِ مَالِكٍ وَصَاحِبَيْهِ حَتَّى مَضَى خَمْسُونَ لَيْلَةً.

816. Narrated 'Urwa bin Az-Zubair ؓ: A woman committed theft in the Ghazwa of the Conquest (of Mecca) and she was taken to the Propht ﷺ who ordered her hand to be cut off. 'Aisha said, "Her repentance was perfect and she was married (later) and used to come to me (after that) and I would present her needs to Allāh's Apostle ﷺ."

٨١٦ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِى ابْنُ وَهْبٍ عَنْ يُونُسَ. وَقَالَ اللَّيْثُ: حَدَّثَنِى يُونُسُ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِى عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ امْرَأَةً سَرَقَتْ فِى غَزْوَةِ الفَتْحِ فَأُتِىَ بِهَا رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم ثُمَّ أَمَرَ بِهَا فَقُطِعَتْ يَدُهَا، قَالَتْ عَائِشَةُ: فَحَسُنَتْ تَوْبَتُهَا وَتَزَوَّجَتْ وَكَانَتْ تَأْتِى بَعْدَ ذَلِكَ فَأَرْفَعُ حَاجَتَهَا إِلَى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم.

817. Narrated Zaid bin Khālid رضي الله عنه : Allāh's Apostle ﷺ ordered that an unmarried man who commited illegal sexual intercourse be scourged one-hundred lashes and sent into exile for one year.

٨١٧ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنْ زَيْدِ بْنِ خَالِدٍ رَضِيَ اللهُ عَنْهُ، عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم: أَنَّهُ أَمَرَ فِيمَنْ زَنَى وَلَمْ يُحْصَنْ بِجَلْدِ مِائَةٍ وَتَغْرِيبِ عَامٍ.

CHAPTFR. Do not be a witness for injustice, if asked for that.

بَابٌ - لَا يَشْهَدُ عَلَى شَهَادَةِ جَوْرٍ إِذَا أُشْهِدَ.

818. Narrated An-Numān bin Bashīr رضي الله عنهما : My mother asked my father to present me a gift from his property; and he gave it to me after some hesitation. My mother said that she would not be satisfied unless the Prophet ﷺ was made a witness to it. I being a young boy, my father held me by the hand and took me to the Prophet ﷺ. He said to the Prophet ﷺ, "His mother, bint Rawāha, requested me to give this boy a gift." The Prophet ﷺ said, "Do you have other sons besides him?" He said, "Yes." The Prophet ﷺ said, "Do not make me a witness for injustice."

Narrated Ash-Sha'bī that the Prophet ﷺ said, "I will not become a witness for injustice."

٨١٨ - حَدَّثَنَا عَبْدَانُ: حَدَّثَنَا عَبْدُ اللهِ: أَخْبَرَنَا أَبُو حَيَّانَ التَّيْمِيُّ، عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: سَأَلَتْ أُمِّي أَبِي بَعْضَ الْمَوْهِبَةِ لِي مِنْ مَالِهِ، ثُمَّ بَدَا لَهُ فَوَهَبَهَا لِي فَقَالَتْ: لَا أَرْضَى حَتَّى تُشْهِدَ النَّبِيَّ صلى اللهُ عليهِ وسلَّم، فَأَخَذَ بِيَدِي وَأَنَا غُلَامٌ فَأَتَى بِيَ النَّبِيَّ صلى اللهُ عليهِ وسلَّم فَقَالَ: إِنَّ أُمَّهُ بِنْتَ رَوَاحَةَ سَأَلَتْنِي بَعْضَ الْمَوْهِبَةِ لِهَذَا. قَالَ: أَلَكَ وَلَدٌ سِوَاهُ؟ قَالَ: نَعَمْ، قَالَ: فَأُرَاهُ قَالَ: لَا تُشْهِدْنِي عَلَى جَوْرٍ. وَقَالَ أَبُو حَرِيزٍ، عَنِ الشَّعْبِيِّ: لَا أَشْهَدُ عَلَى جَوْرٍ.

819. Narrated Zahdam bin Mudrab I heard Imran bin Husain saying,

٨١٩ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ:

"The Prophet ﷺ said, 'The best people are those living in my jenerarion, then those coming after them, and then those coming after (the second jeneration).'" 'Imrān said, "I do not know whether the Prophet ﷺ mentioned two or three generations after your present generation. The Prophet ﷺ added, 'There will be some people after you, who will be dishonest and will not be trustworthy and will give evidences without being asked to do so, and will vow but will not fulfil their vows, and fatness will appear among them.'"

حَدَّثَنَا أَبُو جَمْرَةَ: قَالَ سَمِعْتُ زَهْدَمَ ابْنَ مُضَرِّبٍ: قَالَ سَمِعْتُ عِمْرَانَ بْنَ حُصَيْنٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: خَيْرُكُمْ قَرْنِي، ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ الَّذِينَ يَلُونَهُمْ. قَالَ عِمْرَانُ: لا أَدْرِي أَذَكَرَ النَّبِيُّ صلى اللهُ عليه وسلَّم بَعْدُ قَرْنَيْنِ أَوْ ثَلاثَةً. قَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: إِنَّ بَعْدَكُمْ قَوْمًا يَخُونُونَ وَلا يُؤْتَمَنُونَ وَيَشْهَدُونَ وَلا يُسْتَشْهَدُونَ وَيَنْذِرُونَ وَلا يَفُونَ، وَيَظْهَرُ فِيهِمُ السِّمَنُ.

820. Narrated 'Abdullāh رضي الله عنه : The Prophet ﷺ said, "The people of my generation are the best, then those who follow them, and then those who follow the latter. After that there will come some people whose witness will go ahead of their oaths, and their oaths will go ahead of their witness." Ibrahim (a sub-narrator) said, "We used to be beaten for taking oaths by saying, 'I bear witness by the Name of Allāh or by the Covenant of Allāh.'" (1)

٨٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَبِيدَةَ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قَالَ: خَيْرُ النَّاسِ قَرْنِي ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ يَجِيءُ أَقْوَامٌ تَسْبِقُ شَهَادَةُ أَحَدِهِمْ يَمِينَهُ وَيَمِينُهُ شَهَادَتَهُ قَالَ إِبْرَاهِيمُ: وَكَانُوا يَضْرِبُونَنَا عَلَى الشَّهَادَةِ وَالعَهْدِ.

CHAPTER. What has been said about false witness, in respect of the saying of Allāh تعالى :—

'Those who do not give false witness.' (25 : 72)

بابُ ما قِيلَ فِي شَهَادَةِ الزُّورِ

لِقَوْلِ اللهِ عَزَّ وَجَلَّ - وَالَّذِينَ لا يَشْهَدُونَ الزُّورَ - وَكِتْمَانِ الشَّهَادَةِ لِقَوْلِهِ تَعَالَى -

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(1) Ibrāhim means that when they were still boys, their elders would beat them if they took oaths, so that they would not get accustomed to taking oaths on all occasions even needlessly. (Fatḥ-al-Bāri, V. 6, P. 189)

What is said about hiding or concealing evidences, for Allāh تعالى says:—

> 'Do not conceal evidence
> For, whoever conceals it
> His heart is sinful
> And Allāh knows whatever you do.'
> (2:283)

To 'distort justice' (4:135) means 'distort your witness with your tongues.'

ولا تَكْتُمُوا الشَّهادَةَ - إلى قَوْلِهِ - عَلِيمٌ - تَلْوُوا أَلْسِنَتَكُمْ بالشَّهادَةِ .

821. Narrated Anas رضي الله عنه : The Prophet ﷺ was asked about the great sins He said, "They are:—

(1) worshipping other than Allāh,
(2) ill-treatment of parents,
(3) committing murder and
(4) giving a false witness."

٨٢١ - حدَّثَنا عَبْدُ اللهِ بنُ مُنِيرٍ : سَمِعَ وَهْبَ بنَ جَرِيرٍ و عَبْدَ المَلِكِ بنَ إبْرَاهِيمَ قالا : حدَّثَنا شُعْبَةُ عَنْ عُبَيْدِ اللهِ بنِ أبي بَكْرِ بنِ أنَسٍ ، عَنْ أنَسٍ رَضِيَ اللهُ عَنْهُ قالَ : سُئِلَ النَّبِيُّ صلى اللهُ عليه وسلَّم عَنِ الكَبائِرِ قالَ : الإشْرَاكُ باللهِ ، و عُقُوقُ الوَالِدَيْنِ ، و قَتْلُ النَّفْسِ ، و شَهادَةُ الزُّورِ . تابَعَهُ غُنْدَرٌ و أبُو عامِرٍ و بَهْزٌ و عَبْدُ الصَّمَدِ عَنْ شُعْبَةَ .

822. Narrated Abū Bakra رضي الله عنه : The Prophet ﷺ said thrice, "Should I inform you about the greatest of the great sins?" They said, "Yes, O Allāh's Apostle!" He said, "Worshipping other than Allāh and ill-treatment of parents." He was reclining (on a pillow) but at that he sat and said, "And definitely, the false witness," repeating it so many times that we wished he could have stopped.

٨٢٢ - حدَّثَنا مُسَدَّدٌ : حدَّثَنا بِشْرُ ابنُ المُفَضَّلِ : حدَّثَنا الجُرَيْرِيُّ ، عَنْ عَبْدِ الرَّحْمَنِ بنِ أبي بَكْرَةَ ، عَنْ أبيهِ رَضِيَ اللهُ عَنْهُ : قالَ النَّبِيُّ صلى اللهُ عليه وسلَّم : ألا أُنَبِّئُكُمْ بأكْبَرِ الكَبائِرِ ؟ ثَلاثاً قالُوا : بَلى يا رَسُولَ اللهِ ، قالَ : الإشْرَاكُ باللهِ ، و عُقُوقُ الوَالِدَيْنِ . و جَلَسَ و كانَ مُتَّكِئاً : ألا و قَوْلُ الزُّورِ . قالَ : فَما زالَ يُكَرِّرُها حتَّى قُلْنا لَيْتَهُ

سَكَتَ. وقالَ إسْماعيلُ بْنُ إبْراهيمَ: حدَّثنا الجُرَيْرِيُّ: حدَّثنا عَبْدُ الرَّحْمَنِ.

CHAPTER. The witness of a blind man, his marriage, his affairs, the marriage conducted by him, and his buying and selling; and accepting his call for the prayer, ect., and what can be known by sound of voice.

Al-Qāsim, Al-Ḥasan, Ibn Sīrin, Az-Zuhrī and ʿAṭāʾ permitted the witness of the blind. Ash-Shaʿbī said, "The witness of a blind man is valid if he is intelligent and witty." Al-Ḥakam said, "The witness of a blind man in certain things is to be accepted." Az-Zuhrī said, "Suppose Ibn ʿAbbās gave a witness against me, would you reject his witness?" (1) Ibn ʿAbbās used to send a man to watch the sunset so that he might break his fast. He would ask about the dawn, and if he was informed that it was dawn, he would pray two Rakʿat. Sulaimān bin Yāsar said, "I asked ʿĀisha to admit me into her house, and she recognised my voice and said, "Sulaimān! Come in, as you are still a slave so long as you still owe part of the price of your manumission." Samura bin Jundab accepted the evidence of a veiled woman.

بابُ شَهادَةِ الأعْمَى ونِكاحِهِ وأمرِهِ، وإنْكاحِهِ، ومُبايَعَتِهِ، وقَبُولِهِ في التَّأذِينِ وغَيْرِهِ، وما يُعْرَفُ بالأصْواتِ

أجازَ شَهادَتَهُ القاسِمُ والحَسَنُ وابنُ سِيرِينَ والزُّهْرِيُّ وعَطاءٌ. قالَ الشَّعْبِيُّ: تَجُوزُ شَهادَتُهُ إذا كانَ عاقِلاً. وقالَ الحَكَمُ: رُبَّ شَيْءٍ تَجُوزُ فيهِ. وقالَ الزُّهْرِيُّ: أرَأيْتَ ابنَ عَبَّاسٍ لَوْ شَهِدَ عَلَى شَهادَةٍ، أكُنْتَ تَرُدُّهُ؟ وكانَ ابنُ عَبَّاسٍ يَبْعَثُ رَجُلاً إذا غابَتِ الشَّمْسُ أفْطَرَ ويَسْألُ عَنِ الفَجْرِ، فإذا قِيلَ طَلَعَ صَلَّى رَكْعَتَيْنِ. وقالَ سُلَيْمانُ بنُ يَسارٍ: اسْتَأذَنْتُ عَلَى عائِشَةَ فَعَرَفَتْ صَوْتِي، فَقالَتْ: سُلَيْمانُ ادْخُلْ فإنَّكَ مَمْلُوكٌ ما بَقِيَ عَلَيْكَ شَيْءٌ. وأجازَ سَمُرَةُ بنُ جُنْدَبٍ شَهادَةَ امْرَأةٍ مُتَنَقِّبَةٍ.

823. Narrated ʿĀisha : The Prophet heard a man (reciting

٨٢٣ - حدَّثنا مُحَمَّدُ بنُ عُبَيْدِ بنِ مَيْمُونٍ: أخْبَرَنا عِيسَى بنُ يُونُسَ، عَنْ

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(1) Ibn ʿAbbās became blind in his old age.

Qur'ān) in the Mosque, and he said, "May Allāh bestow His Mercy upon him. No doubt, he made me remember such-and-such Verses of such-and-such Sūra which I forgot."

Narrated 'Āisha رضي الله عنها : The Prophet ﷺ performed the Tahajjud prayer in my house, and then he heard the voice of 'Abbād who was praying in the Mosque, and said, "O 'Āisha! Is this 'Abbād's voice?" I said, "Yes." He said, "O Allāh! Be merciful to 'Abbād!"

824. Narrated 'Abdullāh bin 'Umar رضي الله عنهما : The Prophet ﷺ said, "Bilal pronounces the Adhān when it is still night (before dawn), so eat and drink till the next Adhān is pronounced (or till you hear Ibn Um Maktūm's Adhān)." Ibn Um Maktūm was a blind man who would not pronounce the Adhān till he was told that it was dawn.

825. Narrated Al-Miswar bin Makhrama رضي الله عنهما : Some outer garments were received by the Prophet ﷺ and my father (Makhrama) said to me, "Let us go to the Prophet ﷺ so that he may give us something from the garments." So, my father stood at the door and

هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: سَمِعَ النَّبِيُّ صلى اللهُ عليه وسلَّم رَجُلًا يَقْرَأُ فِي الْمَسْجِدِ، فَقَالَ: رَحِمَهُ اللهُ، لَقَدْ أَذْكَرَنِي كَذَا وَكَذَا آيَةً أَسْقَطْتُهُنَّ مِنْ سُورَةِ كَذَا وَكَذَا. وَزَادَ عَبَّادُ بْنُ عَبْدِ اللهِ عَنْ عَائِشَةَ: تَهَجَّدَ النَّبِيُّ صلى اللهُ عليه وسلَّم فِي بَيْتِي فَسَمِعَ صَوْتَ عَبَّادٍ يُصَلِّي فِي الْمَسْجِدِ فَقَالَ: يَا عَائِشَةُ: أَصَوْتُ عَبَّادٍ هَذَا؟ قُلْتُ: نَعَمْ، قَالَ: اللَّهُمَّ ارْحَمْ عَبَّادًا.

٨٢٤ ـ حَدَّثَنَا مَالِكُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي سَلَمَةَ: أَخْبَرَنَا ابْنُ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: إِنَّ بِلَالًا يُؤَذِّنُ بِلَيْلٍ فَكُلُوا وَاشْرَبُوا حَتَّى يُؤَذِّنَ. أَوْ قَالَ: حَتَّى تَسْمَعُوا أَذَانَ ابْنِ أُمِّ مَكْتُومٍ: وَكَانَ ابْنُ أُمِّ مَكْتُومٍ رَجُلًا أَعْمَى لَا يُؤَذِّنُ حَتَّى يَقُولَ لَهُ النَّاسُ أَصْبَحْتَ.

٨٢٥ ـ حَدَّثَنَا زِيَادُ بْنُ يَحْيَى: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ: حَدَّثَنَا أَيُّوبُ، عَنْ عَبْدِ اللهِ بْنِ أَبِي مُلَيْكَةَ، عَنِ الْمِسْوَرِ ابْنِ مَخْرَمَةَ رَضِيَ اللهُ عَنْهُمَا قَالَ: قَدِمَتْ عَلَى النَّبِيِّ صلى اللهُ عليه وسلَّم أَقْبِيَةٌ فَقَالَ لِي أَبِي مَخْرَمَةُ: انْطَلِقْ بِنَا

spoke. The Prophet ﷺ recognised his voice and came out carrying a garment and telling Makhrama the good qualities of that garment, adding, "I have kept this for you, I have kept this for you."

إليه عسى أن يعطينا منها شيئا، فقام
أبي على الباب فتكلم فعرف النبي صلى الله
عليه وسلم صوته فخرج النبي صلى الله
عليه وسلم ومعه قباء وهو يريه محاسنه
وهو يقول: خبأت هذا لك، خبأت
هذا لك.

CHAPTER. The witness of women and the Statement of Allah تعالى :—

> 'If you cannot get two men (as witnesses),
>
> The witness of one man and two women is sufficient.' (2:282)

باب شهادة النساء، وقوله تعالى -
فإن لم يكونا رجلين فرجل و
امرأتان -.

826. Narrated Abu Sa'id Al-Khudri رضي الله عنه: The Prophet ﷺ said, "Isn't the witness of a woman equal to half of that of a man?" The women said, "Yes." He said, "This is because of the deficiency of the woman's mind."

٨٢٦ - حدثنا ابن أبي مريم:
أخبرنا محمد بن جعفر قال: أخبرني
زيد، عن عياض بن عبد الله، عن أبي
سعيد الخدري رضي الله عنه، عن
النبي صلى الله عليه وسلم قال: أليس
شهادة المرأة مثل نصف شهادة
الرجل؟ قلنا: بلى، قال: فذلك من
نقصان عقلها.

CHAPTER. The witness of male and female slaves.

Anas said, "The witness of a slave is to be trusted, provided he is a just, well-reputed man." Shuraih and Zurara bin Aufa considered it permissible. Ibn Sirin considered the witness of a slave permissible except when in favour of his master. Al-Hasan and Ibrahim considered

باب شهادة الإماء والعبيد. وقال
أنس: شهادة العبد جائزة إذا كان
عدلا. و أجازه شريح وزرارة بن أبي
أوفى. و قال ابن سيرين: شهادته جائزة
إلا العبد لسيده، و أجازه الحسن
و إبراهيم في الشيء التافه. و قال
شريح: كلكم بنو عبيد و إماء.

it permissible in minor matters. Shuraiḥ said, "You are all the sons of slaves and slave-girls."

827. Narrated ʿUqba bin Al-Ḥārith that he had married Um Yaḥyā bint Abū Ihāb. He said, "A black slave-lady came and said, 'I suckled you both.' I then mentioned that to the Prophet ﷺ who turned his face aside." Uqba further said, "I went to the other side and told the Prophet ﷺ about it. He said, 'How can you (keep her as your wife) when the lady has said that she suckled both of you (i.e. you and your wife?)" So, the Prophet ﷺ ordered him to divorce her.

٨٢٧ ـ حَدَّثَنا أَبُو عاصِمٍ، عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ ابْنِ الحارِثِ ح. وحَدَّثَنا عَلِيُّ بْنُ عَبْدِ اللهِ: حَدَّثَنا يَحْيى بْنُ سَعِيدٍ، عَنِ ابْنِ جُرَيْجٍ قالَ: سَمِعْتُ ابْنَ أَبِي مُلَيْكَةَ قالَ: حَدَّثَنِي عُقْبَةُ بْنُ الحارِثِ أَوْ سَمِعْتُهُ مِنْهُ أَنَّهُ تَزَوَّجَ أُمَّ يَحْيى بِنْتَ أَبِي إِهابٍ، قالَ: فَجاءَتْ أَمَةٌ سَوْداءُ فَقالَتْ: قَدْ أَرْضَعْتُكُما، فَذَكَرْتُ ذٰلِكَ لِلنَّبِيِّ صلى اللهُ عليهِ وسلَّم فأَعْرَضَ عَنِّي قالَ: فَتَنَحَّيْتُ فذَكَرْتُ ذَلكَ لَهُ، قالَ: و كَيْفَ وقَدْ زَعَمَتْ أَنْ أَرْضَعَتْكُما؟ فَنَهاهُ عَنها.

CHAPTER. The witness of a wet nurse.

بابُ شَهادَةِ المُرْضِعَةِ.

828. Narrated ʿUqba bin Al-Ḥārith رضي الله عنه: I married a woman and later on a woman came and said, "I suckled you both." So, I went to the Prophet ﷺ (to ask him about it). He said, "How can you (keep her as a wife) when it has been said (that you were foster brother and sister)? Leave her (i. e. it is illegal to take her as a wife)." (Or said something similar.)

٨٢٨ ـ حَدَّثَنا أَبُو عاصِمٍ، عَنْ عُمَرَ ابْنِ سَعِيدٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الحارِثِ قالَ: تَزَوَّجْتُ امْرَأَةً فَجاءَتِ امْرَأَةٌ فَقالَتْ: إِنِّي قَدْ أَرْضَعْتُكُما، فأَتَيْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم فَقالَ: وكَيْفَ وقَدْ قِيلَ؟ دَعْها عَنْكَ أَوْ نَحْوَهُ.

CHAPTER. The women's attesting the honourable record of each other.

بابُ تَعْدِيلِ النِّساءِ بَعْضِهِنَّ بَعْضاً.

829. Narrated Az-Zuhrī from ʿUrwa bin Az-Zubair, Saʿid bin Al-Musaiyab, ʿAlqama bin Waqqāṣ Al-Laithī and ʿUbaidullāh bin ʿAbdullāh bin ʿUtba from ʿAisha رضي الله عنها, the wife of the Prophet ﷺ, the story of the false accusation and how Allāh proved ʿAisha innocent. Az-Zubair said, "Each of these narrators told me part of her narration and some of them had a better memory than the others, and told it in a better way. I remember the narration of everyone of these, and the narrator of each of them attested the narration of the others. They said that ʿAisha said, 'Whenever Allāh's Apostle ﷺ intended to go on a journey, he would draw lots amongst his wives and would take with him the one upon whom the lot fell. During a Ghazwa of his, he drew lots amongst us and the lot fell upon me, and I proceeded with him after Allāh had decreed the use of the veil by women. I was carried in a Howdah (on the camel) and dismounted while still in it. When Allāh's Apostle ﷺ was through with his Ghazwa and returned home, and we approached the city of Medīna, Allāh's Apostle ﷺ ordered us to proceed at night. When the order of setting off was given, I walked till I was past the army to answer the call of nature. After finishing I returned (to the camp) to depart (with the others) and suddenly realized that my necklace over my chest

٨٢٩ - حَدَّثَنَا أَبُو الرَّبِيعِ سُلَيْمَانُ ابْنُ دَاوُدَ وَأَفْهَمَنِي بَعْضَهُ أَحْمَدُ قَالَ: حَدَّثَنَا فُلَيْحُ بْنُ سُلَيْمَانَ، عَنِ ابْنِ شِهَابٍ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، وَ سَعِيدِ بْنِ الْمُسَيَّبِ، وَعَلْقَمَةَ بْنِ وَقَّاصٍ اللَّيْثِيِّ، وَعُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا زَوْجِ النَّبِيِّ صلى الله عليه وسلم حِينَ قَالَ لَهَا أَهْلُ الإِفْكِ مَا قَالُوا فَبَرَّأَهَا اللهُ مِنْهُ، قَالَ الزُّهْرِيُّ وَكُلُّهُمْ حَدَّثَنِي طَائِفَةً مِنْ حَدِيثِهَا، وَبَعْضُهُمْ أَوْعَى مِنْ بَعْضٍ. وَأَثْبَتُ لَهُ اقْتِصَاصًا، وَقَدْ وَعَيْتُ عَنْ كُلِّ وَاحِدٍ مِنْهُمُ الْحَدِيثَ الَّذِي حَدَّثَنِي عَنْ عَائِشَةَ وَبَعْضُ حَدِيثِهِمْ يُصَدِّقُ بَعْضًا. زَعَمُوا أَنَّ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللهِ صلى الله عليه وسلم إِذَا أَرَادَ أَنْ يَخْرُجَ سَفَرًا أَقْرَعَ بَيْنَ أَزْوَاجِهِ. فَأَيَّتُهُنَّ خَرَجَ سَهْمُهَا أَخْرَجَ بِهَا مَعَهُ. فَأَقْرَعَ بَيْنَنَا فِي غَزَاةٍ غَزَاهَا فَخَرَجَ سَهْمِي فَخَرَجْتُ مَعَهُ بَعْدَ مَا أُنْزِلَ الْحِجَابُ، فَأَنَا أُحْمَلُ فِي هَوْدَجٍ وَأُنْزَلُ فِيهِ فَسِرْنَا حَتَّى إِذَا فَرَغَ رَسُولُ اللهِ صلى الله عليه وسلم مِنْ غَزْوَتِهِ تِلْكَ وَقَفَلَ وَدَنَوْنَا مِنَ الْمَدِينَةِ، آذَنَ لَيْلَةً بِالرَّحِيلِ. فَقُمْتُ حِينَ آذَنُوا بِالرَّحِيلِ فَمَشَيْتُ حَتَّى جَاوَزْتُ الْجَيْشَ فَلَمَّا قَضَيْتُ شَأْنِي أَقْبَلْتُ إِلَى

was missing. So, I returned to look for it and was delayed because of that. The people who used to carry me on the camal, came to my Howdah and put it on the back of my camel, thinking that I was in it, as, at that time, women were light in weight, and thin and lean, and did not use to eat much. So, those people did not feel the difference in the heaviness of the Howdah while lifting it, and they put it over the camel. At that time I was a young lady.(1) They set the camel moving and proceeded on. I found my necklace after the army had gone, and came to their camp to find nobody. So, I went to the place where I used to stay, thinking that they would discover my absence and come back in my search. While in that state, I felt sleepy and slept. Ṣafwān bin Muʿaṭṭal As-Sulamī Adh-Dhakwānī was behind the army and reached my abode in the morning. When he saw a sleeping person, he came to me, and he used to see me before veiling. So, I got up when I heard him saying, 'Innā lil-lāh-wa innā ilaihi rājiʿūn (We are for Allāh, and we will return to Him).' He made his camel kneel down. He got down from his camel, and put his leg on the front legs of the camel and then I rode and sat over it. Ṣafwān set out walking, leading the camel by the rope till we reached the army who had halted to take rest at midday. There were destroyed

الرَّحِيلِ ، فَلَمَسْتُ صَدْرِى ، فإذا عِقْدٌ لى مِنْ جَزْعِ أظْفارٍ قَدِ انْقَطَعَ ، فَرَجَعْتُ فالتمستُ عِقْدِى فَحَبَسَنِى ابْتِغاؤُهُ . فأقْبَلَ الَّذِينَ يَرْحَلُونَ لى فاحْتَمَلُوا هَوْدَجِى فَرَحَلُوهُ عَلَى بَعِيرِى الَّذِى كُنْتُ أرْكَبُ ، و هُمْ يَحْسِبُونَ أنِّى فِيهِ ، و كانَ النِّساءُ إذْ ذاكَ خِفافا لمْ يَثْقُلْنَ ، ولم يَغْشَهُنَّ اللَّحْمُ ، و إنَّما يَأكُلْنَ العُلْقَةَ مِنَ الطَّعامِ ، فَلَمْ يَسْتَنْكِرِ القَوْمُ ، حِينَ رَفَعُوهُ ، ثِقَلَ الهَوْدَجِ فاحْتَمَلُوهُ . و كُنْتُ جارِيَةً حَدِيثَةَ السِّنِّ فَبَعَثُوا الجَمَلَ وسارُوا فَوَجَدْتُ عِقْدِى بَعْدَما اسْتَمَرَّ الجَيْشُ فَجِئْتُ مَنْزِلَهمْ و لَيْسَ فِيهِ أحَدٌ ، فأمَمْتُ مَنْزِلِى الَّذِى كُنْتُ بِهِ فَظَنَنْتُ أنَّهُمْ سَيَفْقِدُونَنِى فَيَرْجِعُونَ إلَىَّ . فَبَيْنا أنا جالِسَةٌ غَلَبَتْنِى عَيْناىَ فَنِمْتُ ، و كانَ صَفْوَانُ بنُ المُعَطَّلِ السُّلَمِىُّ ، ثُمَّ الذَّكْوَانِىُّ مِنْ وَرَاءِ الجَيْشِ ، فأصْبَحَ عِنْدَ مَنْزِلِى ، فَرَأى سَوَادَ إنْسانٍ نائِمٍ فأتانى ، و كانَ يَرَانى قَبْلَ الحِجابِ ، فاسْتَيْقَظْتُ باسْتِرْجاعِهِ حِينَ أناخَ رَاحِلَتَهُ فَوَطِىءَ يَدَها فَرَكِبْتُها فانْطَلَقَ يَقُودُ بِىَ الرَّاحِلَةَ حتَّى أتَيْنا الجَيْشَ بَعْدَ ما نَزَلُوا مُعَرِّسِينَ فى نَحْرِ الظَّهِيرَةِ فَهَلَكَ مَنْ هَلَكَ ، و كانَ

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(1) Less than fifteen years old.

some people (who accused me falsely) and the head of the false accusers was 'Abdullāh bin Ubai bin Salūl. After that we returned to Medīna, and I became ill for one month while the people were spreading the forged statements of the false accusers. I was feeling during my ailment as if I were not receiving the usual kindness from the Prophet ﷺ which I used to receive from him when I got sick. But he would come and utter a greeting and say, 'How is that (girl)?' I did not know anything of what was going on till I recovered from my ailment and went out with Um Misṭaḥ to the Manāṣi' where we used to answer the call of nature, and we used not to go to answer the call of nature except from night to night and that was before we had lavatories near to our houses. And this habit of ours was similar to the habit of the old 'Arabs in the open country (or away from houses). So, I and Um Misṭaḥ bint Ruhm went out walking. Um Mistah stumbled because of her long dress and on that she said, 'Let Misṭaḥ be ruined.' I said, 'You are saying a bad word. Why are you abusing a man who took part in (the battle of) Badr?' She said, 'O Hanatā (you there) didn't you hear what they said?' Then she told me the rumours of the false accusers. My sickness was aggravated, and when I returned home, Allāh's Apostle ﷺ came to me, and after greeting he said, 'How is that (girl)?' I requested him

الَّذِى تَوَلَّى الإِفْكَ عَبْدُ اللهِ بنُ أُبَىٍّ ابن سَلُولَ، فَقَدِمْنا المَدِينَةَ فاشْتَكَيْتُ بِها شَهْرًا والنَّاسُ يُفِيضُونَ مِنْ قَوْلِ أَصْحابِ الإِفْكِ، وَيَرِيبُنِى فى وَجَعِى أَنِّى لا أَرَى مِنَ النَّبِىِّ صلى اللهُ عليهِ وسلَّم اللُّطْفَ الَّذِى كُنْتُ أَرَى مِنْهُ حِينَ أَمْرَضُ، إنَّمايَدْخُلُ فَيُسَلِّمُ، ثُمَّ يَقُولُ: كَيْفَ تِيكُمْ، لا أَشْعُرُ بِشَىْءٍ مِنْ ذَلكَ حَتَّى نَقَهْتُ فَخَرَجْتُ أنا وأُمُّ مِسْطَحٍ قِبَلَ المَناصِعِ مُتَبَرَّزُنا، لانَخْرُجُ إلاَّ لَيْلاً إلى لَيْلٍ، وذَلكَ قَبْلَ أنْ نَتَّخِذَ الكُنُفَ قَرِيبا مِنْ بُيُوتِنا، وأَمْرُنا أَمْرُ العَرَبِ الأُوَلِ فى البَرِيَّةِ أَوْ فى التَّنَزُّهِ، فَأَقْبَلْتُ أنا وأُمُّ مِسْطَحٍ بِنْتُ أبى رُهْمٍ نَمْشِى فَعَثَرَتْ فى مِرْطِها فَقالَتْ: تَعِسَ مِسْطَحٌ، فَقُلْتُ لَها: بِئْسَ ما قُلْتِ أَتَسُبِّينَ رَجُلاً شَهِدَ بَدْرًا؟ فَقالَتْ: يا هَنْتاهْ، أَلَمْ تَسْمَعِى ما قالُوا؟ فأَخْبَرَتْنِى بِقَوْلِ أَهْلِ الإِفْكِ فازْدَدْتُ مَرَضًا إلى مَرَضِى. فَلَمَّا رَجَعْتُ إلى بَيْتِى، دَخَلَ عَلَىَّ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَسَلَّمَ فَقالَ: كَيْفَ تِيكُمْ؟ فَقُلْتُ: ائْذَنْ لى إلى أَبَوَىَّ، قالَتْ: وأنا حِينَئِذٍ أُرِيدُ أنْ أَسْتَيْقِنَ الخَبَرَ مِنْ قِبَلِهِما. فأَذِنَ لى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فأَتَيْتُ أَبَوَىَّ، فَقُلْتُ لأُمِّى: ما يَتَحَدَّثُ بِهِ النَّاسُ؟ فَقالَتْ:

to allow me to go to my parents. I wanted then to be sure of the news through them. Allāh's Apostle ﷺ allowed me, and I went to my parents and asked my mother, 'What are the people talking about?' She said, 'O my daughter! Don't worry much about this matter. By Allāh, never is there a charming woman loved by her husband who has other wives, but the women would forge false news about her.' I said, 'Glorified be Allāh! Are the people really talking of this matter?' That night I kept on weeping and could never sleep till morning. In the morning Allāh's Apostle ﷺ called ʿAlī bin Abū Ṭālib and Usāma bin Zaid when he saw the Divine Inspiration delayed, to consult them about divorcing his wife (i.e. ʿAisha). Usāma bin Zaid said what he knew of the good reputation of his wives and added, 'O Allāh's Apostle! Keep your wife, for, by Allāh, we know nothing about her but good.' ʿAlī bin Abū Ṭālib said, 'O Allāh's Apostle! Allah has not imposed restrictions on you, and there are many women other than she, yet you may ask the woman-servant who will tell you the truth.' On that Allāh's Apostle ﷺ called Buraira and said, 'O Buraira! Did you ever see anything which roused your suspicions about her?' Buraira said, 'No, by Allāh Who has sent you with the Truth, I have never seen in her anything faulty except that she is a girl of immature age, who sometimes sleeps and leaves the dough for the goats

يَا بُنَيَّةُ، هَوِّنِى عَلَى نَفْسِكِ الشَّأْنَ، فَوَاللهِ لَقَلَّمَا كَانَتِ امْرَأَةٌ قَطُّ وَضِيئَةً عِنْدَ رَجُلٍ يُحِبُّهَا وَلَهَا ضَرَائِرُ إِلَّا أَكْثَرْنَ عَلَيْهَا. فَقُلْتُ: سُبْحَانَ اللهِ وَلَقَدْ يَتَحَدَّثُ النَّاسُ بِهَذَا؟ قَالَتْ: فَبِتُّ تِلْكَ اللَّيْلَةَ حَتَّى أَصْبَحْتُ لَا يَرْقَأُ لِى دَمْعٌ وَلَا أَكْتَحِلُ بِنَوْمٍ. ثُمَّ أَصْبَحْتُ فَدَعَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم عَلِىَّ بْنَ أَبِى طَالِبٍ وَأُسَامَةَ بْنَ زَيْدٍ حِينَ اسْتَلْبَثَ الْوَحْىُ يَسْتَشِيرُهُمَا فِى فِرَاقِ أَهْلِهِ. فَأَمَّا أُسَامَةُ فَأَشَارَ عَلَيْهِ بِالَّذِى يَعْلَمُ فِى نَفْسِهِ مِنَ الْوُدِّ لَهُمْ. فَقَالَ أُسَامَةُ: أَهْلَكَ يَا رَسُولَ اللهِ، وَلَا نَعْلَمُ وَاللهِ إِلَّا خَيْرًا. وَأَمَّا عَلِىُّ بْنُ أَبِى طَالِبٍ فَقَالَ: يَا رَسُولَ اللهِ، لَمْ يُضَيِّقِ اللهُ عَلَيْكَ وَالنِّسَاءُ سِوَاهَا كَثِيرٌ، وَسَلِ الْجَارِيَةَ تَصْدُقْكَ. فَدَعَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم بَرِيرَةَ فَقَالَ: يَا بَرِيرَةُ، هَلْ رَأَيْتِ فِيهَا شَيْئًا يَرِيبُكِ؟ فَقَالَتْ بَرِيرَةُ: لَا، وَالَّذِى بَعَثَكَ بِالْحَقِّ، إِنْ رَأَيْتُ مِنْهَا أَمْرًا أَغْمِصُهُ عَلَيْهَا قَطُّ أَكْثَرَ مِنْ أَنَّهَا جَارِيَةٌ حَدِيثَةُ السِّنِّ تَنَامُ عَنِ الْعَجِينِ فَتَأْتِى الدَّاجِنُ فَتَأْكُلُهُ. فَقَامَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم مِنْ يَوْمِهِ فَاسْتَعْذَرَ مِنْ عَبْدِ اللهِ بْنِ أُبَىٍّ ابْنِ سَلُولَ، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: مَنْ يَعْذُرُنِى مِنْ رَجُلٍ

to eat.' On that day Allāh's Apostle ﷺ ascended the pulpit and requested that somebody support him in punishing ‘Abdullāh bin Ubaī bin Salūl. Allāh's Apostle ﷺ said, ‘Who will support me to punish that person (‘Abdullāh bin Ubaī bin Salūl) who has hurt me by slandering the reputation of my family? By Allāh, I know nothing about my family but good, and they have accused a person about whom I know nothing except good, and he never entered my house except in my company.'

Sa‘d bin Mu‘ādh got up and said, ‘ O Allāh's Apostle ! by Allāh, I will relieve you from him. If that man is from the tribe of the Aus, then we will chop his head off, and if he is from our brothers, the Khazraj, then order us, and we will fulfil your order.' On that Sa‘d bin ‘Ubāda, the chief of the Khazraj who was a good man, therefore got up, motivated by his zeal for his tribe and said, ‘By Allāh, you have told a lie; you cannot kill him, and you will never be able to kill him. On that Usaid bin Al-Ḥaḍīr got up and said (to Sa‘d bin ‘Ubāda), ‘By Allāh ! you are a liar. By Allah, we will kill him; and you are a hypocrite, defending the hypocrites.' On this the two tribes of Aus and Khazraj got excited and were about to fight each other, while Allāh's Apostle ﷺ was standing on the pulpit. He got down and quietened them till they became silent and he kept quiet. On that day I

بَلَغَنِي أَذَاهُ فِي أَهْلِي ؟ فَوَاللهِ مَا عَلِمْتُ عَلَى أَهْلِي إِلَّا خَيْرًا. وَقَدْ ذَكَرُوا رَجُلًا مَا عَلِمْتُ عَلَيْهِ إِلَّا خَيْرًا، وَمَا كَانَ يَدْخُلُ عَلَى أَهْلِي إِلَّا مَعِي. فَقَامَ سَعْدُ ابْنُ مُعَاذٍ فَقَالَ: يَا رَسُولَ اللهِ، أَنَا وَاللهِ أَعْذِرُكَ مِنْهُ، إِنْ كَانَ مِنَ الْأَوْسِ ضَرَبْنَا عُنُقَهُ، وَإِنْ كَانَ مِنْ إِخْوَانِنَا مِنَ الْخَزْرَجِ أَمَرْتَنَا فَفَعَلْنَا فِيهِ أَمْرَكَ. فَقَامَ سَعْدُ بْنُ عُبَادَةَ وَهُوَ سَيِّدُ الْخَزْرَجِ، وَكَانَ قَبْلَ ذَلِكَ رَجُلًا صَالِحًا، وَكَانَ احْتَمَلَتْهُ الْحَمِيَّةُ، فَقَالَ: كَذَبْتَ لَعَمْرُ اللهِ، لَا تَقْتُلُهُ وَلَا تَقْدِرُ عَلَى ذَلِكَ. فَقَامَ أُسَيْدُ بْنُ الْحَضِيرِ فَقَالَ: كَذَبْتَ لَعَمْرُ اللهِ، وَاللهِ لَنَقْتُلَنَّهُ، فَإِنَّكَ مُنَافِقٌ تُجَادِلُ عَنِ الْمُنَافِقِينَ. فَثَارَ الْحَيَّانِ الْأَوْسُ وَالْخَزْرَجُ حَتَّى هَمُّوا وَرَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم عَلَى الْمِنْبَرِ فَنَزَلَ فَخَفَّضَهُمْ حَتَّى سَكَتُوا وَسَكَتَ. وَبَكَيْتُ يَوْمِي لَا يَرْقَأُ لِي دَمْعٌ وَلَا أَكْتَحِلُ بِنَوْمٍ فَأَصْبَحَ عِنْدِي أَبَوَايَ وَقَدْ بَكَيْتُ لَيْلَتَيْنِ وَيَوْمًا حَتَّى أَظُنُّ أَنَّ الْبُكَاءَ فَالِقٌ كَبِدِي. قَالَتْ: فَبَيْنَمَا هُمَا جَالِسَانِ عِنْدِي وَأَنَا أَبْكِي إِذِ اسْتَأْذَنَتِ امْرَأَةٌ مِنَ الْأَنْصَارِ فَأَذِنْتُ لَهَا فَجَلَسَتْ تَبْكِي مَعِي. فَبَيْنَا نَحْنُ كَذَلِكَ إِذْ دَخَلَ رَسُولُ اللهِ صلى اللهُ

kept on weeping so much so that neither did my tears stop, nor could I sleep.

In the morning my parents were with me and I had wept for two nights and a day, till I thought my liver would burst from weeping. While they were sitting with me and I was weeping, an Anṣārī woman asked my permission to enter, and I allowed her to come in. She sat down and started weeping with me. While we were in this state, Allāh's Apostle ﷺ came and sat down and he had never sat with me since the day they forged the accusation. No revelation regarding my case came to him for a month. He recited Tashah-hud (i. e. None has the right to be worshipped but Allāh and Muḥammad is His Apostle) and then said, 'O 'Āisha! I have been informed such-and-such about you; if you are innocent, then Allāh will soon reveal your innocence, and if you have committed a sin, then repent to Allāh and ask Him to forgive you, for when a person confesses his sin and asks Allāh for forgiveness, Allāh accepts his repentance.' When Allāh's Apostle ﷺ finished his speech, my tears ceased completely. I failed to notice even one tear. I requested my father to reply to Allāh's Apostle ﷺ on my behalf. My father said, 'By Allāh, I do not know what to say to Allāh's Apostle ﷺ.' I said to my mother, 'Talk to Allāh's Apostle ﷺ on my behalf.' She said,

عَلَيْهِ وَسَلَّمَ فَجَلَسَ وَلَمْ يَجْلِسْ عِنْدِى مِنْ يَوْمِ قِيلَ فِىَّ مَا قِيلَ قَبْلَهَا، وَقَدْ مَكَثَ شَهْرًا لَا يُوحَى إِلَيْهِ فِى شَأْنِى شَىْءٌ. قَالَتْ: فَتَشَهَّدَ ثُمَّ قَالَ: يَا عَائِشَةُ فَإِنَّهُ بَلَغَنِى عَنْكِ كَذَا وَكَذَا، فَإِنْ كُنْتِ بَرِيئَةً فَسَيُبَرِّئُكِ اللَّهُ، وَإِنْ كُنْتِ أَلْمَمْتِ بِذَنْبٍ فَاسْتَغْفِرِى اللَّهَ وَتُوبِى إِلَيْهِ، فَإِنَّ الْعَبْدَ إِذَا اعْتَرَفَ بِذَنْبِهِ ثُمَّ تَابَ تَابَ اللَّهُ عَلَيْهِ. فَلَمَّا قَضَى رَسُولُ اللَّهِ صلى اللَّهُ عَلَيْهِ وسلَّم مَقَالَتَهُ قَلَصَ دَمْعِى حَتَّى مَا أُحِسُّ مِنْهُ قَطْرَةً. وَقُلْتُ لِأَبِى: أَجِبْ عَنِّى رَسُولَ اللَّهِ صلى اللَّهُ عليه وسلَّم. قَالَ وَاللَّهِ مَا أَدْرِى مَا أَقُولُ لِرَسُولِ اللَّهِ صلى اللَّهُ عليه وسلَّم، فَقُلْتُ لِأُمِّى: أَجِيبِى عَنِّى رَسُولَ اللَّهِ صلى اللَّهُ عليه وسلَّم فِيمَا قَالَ. قَالَتْ: وَاللَّهِ مَا أَدْرِى مَا أَقُولُ لِرَسُولِ اللَّهِ صلى اللَّهُ عليه وسلَّم. قَالَتْ: وَأَنَا جَارِيَةٌ حَدِيثَةُ السِّنِّ لَا أَقْرَأُ كَثِيرًا مِنَ الْقُرْآنِ، فَقُلْتُ: إِنِّى وَاللَّهِ لَقَدْ عَلِمْتُ أَنَّكُمْ سَمِعْتُمْ مَا يَتَحَدَّثُ بِهِ النَّاسُ وَوَقَرَ فِى أَنْفُسِكُمْ وَصَدَّقْتُمْ بِهِ، وَلَئِنْ قُلْتُ لَكُمْ إِنِّى بَرِيئَةٌ وَاللَّهُ يَعْلَمُ إِنِّى لَبَرِيئَةٌ لَا تُصَدِّقُونِى بِذَلِكَ، وَلَئِنِ اعْتَرَفْتُ لَكُمْ بِأَمْرٍ وَاللَّهُ يَعْلَمُ أَنِّى بَرِيئَةٌ لَتُصَدِّقُنِّى. وَاللَّهِ مَا أَجِدُ لِى وَلَكُمْ مَثَلًا إِلَّا أَبَا يُوسُفَ إِذْ قَالَ ـ فَصَبْرٌ

'By Allāh, I do not know what to say to Allāh's Apostle ﷺ.' I was a very young lady and did not have much knowledge of the Qur'ān. I said, 'I know, by Allah, that you have listened to what people are saying and that has been planted in your minds and you have taken it as a truth. Now, if I told you that I am innocent and Allāh knows that I am innocent, you would not believe me and if I confessed to you falsely that I am guilty, and Allāh knows that I am innocent you would believe me. By Allāh, I don't compare my situation with you except to the situation of Joseph's father (i. e. Jacob عليه السلام) who said, 'What fits me is patience without complaining. I appeal to Allāh's help against what you assert.' Then I turned to the other side of my bed hoping that Allāh would prove my innocence. By Allāh I never thought that Allāh would reveal Divine Inspiration in my case, as I am to myself too inferior to be talked of in the Holy Qur'ān. I had hoped that Allāh's Apostle ﷺ might have a dream in which Allāh would prove my innocence. By Allāh, Allāh's Apostle ﷺ had not got up and nobody had left the house before the Divine Inspiration came to Allāh's Apostle ﷺ. At that time came upon him the same state of sweating as he used to have on being inspired divinely. He was sweating so much so that the drops of the sweat were like pearls though it was a wintery day. When

جَمِيلٌ واللهُ المُسْتَعانُ عَلى ما تَصِفُونَ - ثُمَّ تَحَوَّلْتُ عَلى فِرَاشِي و أنا أرْجُو أنْ يُبَرِّئَنِي اللهُ. ولكِنْ واللهِ ما ظَنَنْتُ أنْ يُنْزِلَ فى شَأنى وَحْيًا ولأنَا أحْقَرُ فى نَفْسِي مِنْ أنْ يُتَكَلَّمَ بالقُرْآنِ فى أمْرِى، ولكِنِّى كُنْتُ أرْجُو أنْ يَرَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فى النَّوْمِ رُؤْيا يُبَرِّئُنِى اللهُ، فَوَ اللهِ ما رَامَ مَجْلِسَهُ ولا خَرَجَ أحَدٌ مِنْ أهْلِ البَيْتِ حتّى أُنْزِلَ عَلَيْهِ فأخَذَهُ ما كانَ يَأخُذُهُ مِنَ البُرَحاءِ حتّى إنّهُ لَيَتَحَدَّرُ مِنْهُ مِثْلُ الجُمانِ مِنَ العَرَقِ فى يَوْمٍ شاتٍ، فَلَمَّا سُرِّىَ عَنْ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم و هُوَ يَضْحَكُ فَكانَ أوَّلَ كَلِمَةٍ تَكَلَّمَ بِها أنْ قالَ لى: يا عائِشَةُ، احْمَدِى اللهَ فَقَدْ بَرَّأكِ اللهُ. فَقالَتْ لى أُمِّى: قُومى إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، فَقُلْتُ: لا واللهِ، لا أقُومُ إلَيْهِ ولا أحْمَدُ إلاَّ اللهَ، فأنْزَلَ اللهُ تَعالى - إنَّ الَّذِينَ جاءُوا بالإفْكِ عُصْبَةٌ مِنْكُمْ - الآياتِ فَلَمَّا أنْزَلَ اللهُ هذا فى بَرَاءَتى قالَ أبُو بَكْرٍ الصِّدِّيقُ رَضِىَ اللهُ عَنْهُ وكانَ يُنْفِقُ عَلى مِسْطَحِ بنِ أثاثَةَ لِقَرابَتِهِ مِنْهُ: واللهِ لا أُنْفِقُ عَلى مِسْطَحٍ شَيْئًا أبَدًا بَعْدَ ما قالَ لِعائِشَةَ. فأنْزَلَ اللهُ تَعالى - ولا يَأتَلِ أُولُوا الفَضْلِ مِنْكُمْ والسَّعَةِ - إلى قَوْلِهِ - غَفُورٌ رَحِيمٌ -

that state of Allāh's Apostle ﷺ was over, he was smiling and the first word he said, 'Āisha! Thank Allāh, for Allāh has declared your innocence.' My mother told me to go to Allāh's Apostle ﷺ. I replied, 'By Allāh I will not go to him and will not thank but Allāh.'

So Allāh revealed :—

> 'Lo! They who spread the slander
> are a gang among you ....'
> (24:11)

When Allāh gave the declaration of my innocence, Abū Bakr, who used to provide for Misṭaḥ bin Uthatha for he was his relative, said, 'By Allāh, I will never provide Misṭaḥ with anything because of what he said about 'Āisha.' But Allāh later revealed :—

> 'And those who have dignity and
> wealth
>
> Should not take an oath (not to
> provide for their relatives, the
> needy and the emigrants in the
> Cause of Allāh. Let them forgive
> and be tolerant.
>
> Don't you like that Allāh may
> forgive you?)
>
> Allāh is Forgiving, Merciful.'
> (24:22)

After that Abū Bakr said, 'Surely, by Allāh! I like that Allāh may forgive me,' and resumed helping Misṭaḥ whom he used to provide for before.

فَقَالَ أَبُو بَكْرٍ: بَلَى واللهِ، إنِّى لأُحِبُّ أنْ يَغْفِرَ اللهُ لى فَرَجَعَ إلى مِسْطَحٍ الَّذِى كانَ يُجْرِى عَلَيْهِ. و كانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم يَسْأَلُ زَيْنَبَ بِنْتَ جَحْشٍ عَنْ أمْرِى، فَقالَ: يا زَيْنَبُ، ما عَلِمْتِ ما رَأيْتِ؟ فَقالَتْ: يا رَسُولَ اللهِ، أحْمِى سَمْعِى و بَصَرِى، واللهِ ما عَلِمْتُ عَلَيْها إلاَّ خَيْرًا. قالَتْ: و هِىَ الَّتِى كانَتْ تُسامِينِى فَعَصَمَها اللهُ بالوَرَعِ. قالَ: و حَدَّثَنا فُلَيْحٌ، عَنْ هِشامِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عائِشَةَ و عَبْدِ اللهِ بْنِ الزُّبَيْرِ مِثْلَهُ. قالَ: و حَدَّثَنا فُلَيْحٌ عَنْ رَبِيعَةَ بْنِ أبى عَبْدِ الرَّحْمَنِ و يَحْيَى بْنِ سَعِيدٍ، عَنِ القاسِمِ بْنِ مُحَمَّدِ بْنِ أبى بَكْرٍ مِثْلَهُ.

Allāh's Apostle ﷺ also asked Zainab bint Jaḥsh (i.e. the Prophet's wife) about me saying, 'What do you know and what did you see?' She replied, 'O Allāh's Apostle! I refrain to claim hearing or seeing what I have not heard or seen. By Allāh, I know nothing except goodness about ʿAisha.'" ʿAisha further added, "Zainab was competing with me (in her beauty and the Prophet's love), yet Allāh protected her (from being malicious), for she had piety."

CHAPTER. If only one man attests the (good) conduct of another, then it is sufficient. Abū Jamīla said, "I found a foundling, and when ʿUmar saw me he said (what may mean), 'Perhaps what you intend to do will cause you trouble,' as if he was accusing me (of denying my paternity of the child and claiming falsely that he was a foundling). My monitor said, 'He is really a pious man.' ʿUmar said to me, 'If it is so, then go (and be the child's guardian) and we will provide for it (from the Muslim's treasury).'

بابٌ - إذَا زَكَّى رَجُلٌ رَجُلاً
كَفَاهُ. و قالَ أبُو جَمِيلَةَ : و جَدْتُ
مَنْبُوذًا فَلَمَّا رَآنى عُمَرُ قالَ : عَسَى
الغُوَيْرُ أبْؤُسا، كأنَّهُ يَتَّهِمُنِى. قالَ
عَرِيفِى: إنَّهُ رَجُلٌ صَالِحٌ ، قالَ :
كَذَاكَ اذْهَبْ و عَلَيْنا نَفَقَتُهُ .

830. Narrated Abū Bakra ﵁ : A man praised another man in front of the Prophet ﷺ . The Prophet ﷺ said to him, "Woe to you, you have cut off your companion's neck, you have cut off your companion's neck," repeating it several times, and then added, "Whoever amongst you has to praise his brother should say, 'I think that he is so and

٨٣٠ - حدَّثَنِى مُحَمَّدُ بنُ سَلَامٍ :
حدَّثَنا عَبْدُ الوَهَّابِ : حدَّثَنا خالِدٌ الحذَّاءُ ،
عَنْ عَبْدِ الرَّحْمَنِ بنِ أبِى بَكْرَةَ ، عَنْ
أبِيهِ قالَ : أثْنى رَجُلٌ عَلَى رَجُلٍ عِنْدَ
النَّبِىِّ صلى اللهُ عليهِ وسلَّم فقَالَ : وَيْلَكَ ،
قَطَعْتَ عُنُقَ صَاحِبِكَ ، قَطَعْتَ عُنُقَ
صَاحِبِكَ ، مِرَارًا. ثُمَّ قالَ : مَنْ كانَ

so, and Allah knows exactly the truth, and I do not confirm his good conduct before Allah, but I think him so and so,' if he really knows what he says about him."

CHAPTER. What is hated of exaggeration in praising, and one should say only what he knows.

831. Narrated Abu Musa Al-Ashari رضي الله عنه : The Prophet ﷺ heard someone praising another and exaggerating in his praise. The Prophet ﷺ said, "You have ruined the man's back (by praising him so much)."

CHAPTER. The boy's age of puberty and the validity of their witness and the Statement of Allah تعالى :—

> 'When the children among you attain the age of puberty, they should ask for permission (to enter).' (24:59)

Al-Mughira said, "I attained puberty at the age of twelve." The attaining of puberty by women is with the start of menses, as is referred to by the Statement of Allah عَزَّ و جَلَّ :—

> 'Such of your women
> As have passed the age
> Of monthly courses, for them
> The prescribed period if you

مِنْكُمْ مادِحًا أخاهُ لا مَحالَةَ فَلْيَقُلْ : أحْسِبُ فُلانًا واللهُ حَسِيبُهُ ، ولا أُزَكِّي عَلَى اللهِ أحَدًا ، أحْسِبُهُ كَذَا وكَذَا إنْ كانَ يَعْلَمُ ذلكَ مِنْهُ .

باب يُكْرَهُ مِنَ الإطْنابِ فِى المَدْحِ ، ولْيَقُلْ ما يَعْلَمُ .

٨٣١ - حدَّثَنا مُحَمَّدُ بنُ الصَّبَّاحِ : حدَّثَنا إسماعيلُ بنُ زَكَرِيَّا : حدَّثَنِي بُرَيْدُ بنُ عَبْدِ اللهِ ، عَنْ أبي بُرْدَةَ ، عَنْ أبي مُوسَى رَضِيَ اللهُ عَنْهُ قالَ : سَمِعَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ رَجُلًا يُثْنِي عَلَى رَجُلٍ ويُطْرِيهِ فِى مَدْحِهِ فَقالَ : أهْلَكْتُمْ أو قَطَعْتُمْ ظَهْرَ الرَّجُلِ .

باب بُلُوغِ الصِّبْيانِ وشَهادَتِهِمْ وقَوْلِ اللهِ تَعالى - وإذا بَلَغَ الأطْفالُ مِنْكُمُ الحُلُمَ فَلْيَسْتَأْذِنُوا - وقالَ مُغِيرَةُ : احْتَلَمْتُ وأنا ابنُ ثِنْتَيْ عَشْرَةَ سَنَةً . وبُلُوغُ النِّساءِ إلى الحَيْضِ لِقَوْلِهِ عَزَّ وجَلَّ - واللَّائِي يَئِسْنَ مِنَ المَحِيضِ مِنْ - إلى قَوْلِهِ - أنْ يَضَعْنَ حَمْلَهُنَّ - وقالَ الحَسَنُ بنُ صالحٍ : أدْرَكْتُ جارَةً لَنا جَدَّةً بِنْتَ إحدَى وعِشْرِينَ .

Have any doubts is
Three months, and for those
Who have no courses
(It is the same),
For those who carry
(life with it in their wombs)
their period is until
They deliver their burdens.'
(65:4)

Al-Ḥasan bin Ṣāliḥ said, "I saw a neighbouress of mine who became a grandmother at the age of twenty-one."(1)

832. Narrated Ibn ˁUmar ﵁ : Allāh's Apostle ﷺ called me to present myself in front of him on the eve of the battle of Uhud, while I was fourteen years of age at that time, and he did not allow me to take part in that battle, but he called me in front of him on the eve of the battle of the Trench when I was fifteen years old, and he allowed me (to join the battle)." Nāfiˁ said, "I went to ˁUmar bin ˁAbdul Azīz who was Caliph at that time and related the above narration to him. He said, "This age (fifteen) is the limit between childhood and manhood," and wrote to his governors to give salaries to those who reached the age of fifteen.(2)

٨٣٢ - حدَّثَنا عُبَيْدُ الله بنُ سَعِيد: حدَّثَنا أبُو أُسامَةَ قالَ: حدَّثَنِى عُبَيْدُ الله قالَ: حدَّثَنِى نافِعٌ قالَ: حدَّثَنِى ابنُ عُمَرَ رَضِىَ اللهُ عَنْهُما: أنَّ رَسُولَ الله صلى اللهُ عليه وسلَّم عرَضَهُ يَوْمَ أُحُد وهُوَ ابنُ أرْبعَ عَشْرَةَ سَنَةً فلَمْ يُجِزْنى، ثُمَّ عرَضَنى يَوْمَ الخَنْدَقِ وأنا ابنُ خَمْسَ عَشْرَةَ فأجازَنى. قالَ نافِعٌ: فقَدِمْتُ علَى عُمَرَ بنِ عَبْدِ العَزِيزِ وهُوَ خَليفَةٌ فحَدَّثْتُهُ هذا الحَدِيثَ فقالَ: إنَّ هذا لحَدٌّ بَيْنَ الصَّغِيرِ والكَبِيرِ، وكَتَبَ إلى عمَّالِهِ أنْ يَفْرِضُوا لمَنْ بلَغَ خَمْسَ عَشْرَةَ.

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(1) This woman attained puberty at the age of nine and married to give birth to a daughter at ten; the daughter had same experience.

(2) When a Muslim reached the age of fifteen he was regarded as a soldier ready to carry arms when required; on this basis he was given a salary.

833. Narrated Abū Sa'īd Al-Khudrī ؓ The Prophet ﷺ said, "Bath on Friday is compulsory for those who have attained the age of puberty."

CHAPTER. The question of the judge to the plaintiff, "Have you a proof?" before asking the defendant to take an oath.

834. Narrated 'Abdullāh ؓ: Allāh's Apostle ﷺ said, "If somebody takes a false oath in order to get the property of a Muslim (unjustly) by that oath, Allāh's wrath will be on him when he meets Him." Al-Ash'ath informed me, "By Allāh! This was said regarding me. There was a dispute about a piece of land between me and a Jewish man who denied my right. I took him to the Prophet ﷺ. Allāh's Apostle ﷺ asked me, 'Do you have an evidence?' I replied in the negative. He said to the Jew, 'Take an oath.' I said, 'O Allāh's Apostle! He will surely take an oath and take my property unjustly.'" So, Allāh revealed :—

> 'Those who earn a little gain by selling their convention with Allāh and their oaths.........' (3 : 77)

٨٣٣ ـ حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللهِ : حَدَّثَنَا سُفْيَانُ : حَدَّثَنَا صَفْوَانُ بْنُ سُلَيْمٍ ، عَنْ عَطَاءِ بْنِ يَسَارٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللهُ عَنْهُ ، يَبْلُغُ بِهِ النَّبِيَّ صلى اللهُ عليه وسلَّم قال : غُسْلُ يَوْمِ الْجُمُعَةِ وَاجِبٌ عَلَى كُلِّ مُحْتَلِمٍ .

باب سُؤَالِ الْحَاكِمِ الْمُدَّعِيَ ، هَلْ لَكَ بَيِّنَةٌ ؟ قَبْلَ الْيَمِينِ .

٨٣٤ ـ حَدَّثَنَا مُحَمَّدٌ : أَخْبَرَنَا أَبُو مُعَاوِيَةَ ، عَنِ الأَعْمَشِ ، عَنْ شَقِيقٍ ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قَالَ : قَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : مَنْ حَلَفَ عَلَى يَمِينٍ وَ هُوَ فِيهَا فَاجِرٌ لِيَقْتَطِعَ بِهَا مَالَ امْرِئٍ مُسْلِمٍ لَقِيَ اللهَ وَ هُوَ عَلَيْهِ غَضْبَانُ . قَالَ : فَقَالَ الأَشْعَثُ بْنُ قَيْسٍ : فِيَّ وَاللهِ كَانَ ذَلِكَ . كَانَ بَيْنِي وَ بَيْنَ رَجُلٍ مِنَ الْيَهُودِ أَرْضٌ فَجَحَدَنِي فَقَدَّمْتُهُ إِلَى النَّبِيِّ صلى اللهُ عليه وسلَّم فَقَالَ لِي رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : أَلَكَ بَيِّنَةٌ ؟ قَالَ : قُلْتُ : لا ، قَالَ : فَقَالَ لِلْيَهُودِيِّ : احْلِفْ ، قَالَ : قُلْتُ يَا رَسُولَ اللهِ : إِذًا يَحْلِفَ وَ يَذْهَبَ بِمَالِي . قَالَ : فَأَنْزَلَ اللهُ تَعَالَى ـ إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ وَ أَيْمَانِهِمْ ثَمَنًا قَلِيلاً ـ إِلَى آخِرِ الآيَةِ .

CHAPTER. The defendant must take an oath in matters concerning property or legal punishments.

The Prophet said, (that the plaintiff must have) "Two witnesses, otherwise (the defendant) should take the oath."

Ibn Shubruma said, "When Abū Az-Zinād asked me my opinion about the verdict that one witness and the oath of the plaintiff are sufficient, I said, "Allāh stated :—

> 'And get two witnesses out of
> your own men ;
> and if they are not available, then
> one man and two women, such
> as you choose for witnesses, so
> that if one of the two forgets,
> the other will remind her.' "

I added, "If one witness and the oath of the plaintiff were sufficient, there would be no need for one of the two women to remind the other. Why has the Qur'ān mentioned the necessity of another woman."

بابٌ ـ اليَمِينُ عَلَى المُدَّعَى عَلَيْهِ فِى الأَمْوَالِ وَالحُدُودِ . و قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: شاهِدَاكَ أَوْ يَمِينُهُ . و قالَ قُتَيْبَةُ ، حدَّثنا سُفْيانُ ، عَنِ ابنِ شُبْرُمَةَ : كَلَّمَنِى أَبُو الزِّنادِ فى شَهادَةِ الشَّاهِدِ ، و يَمِينِ المُدَّعِى فَقُلْتُ : قالَ اللهُ تَعالى ـ واسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجالِكُمْ فإنْ لَمْ يَكُونا رَجُلَيْنِ فَرَجُلٌ وامْرَأَتانِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَداءِ أنْ تَضِلَّ إحْدَاهما فَتُذَكِّرَ إحْدَاهما الأُخْرَى ـ قُلْتُ : إِذَا كانَ يُكْتَفَى بِشَهادَةِ شاهِدٍ و يَمِينِ المُدَّعِى فما يَحْتاجُ أنْ تُذَكِّرَ إحْدَاهُمَا الأُخْرَى ، ما كانَ يَصْنَعُ بِذِكْرِهِ هذهِ الأُخْرَى ؟ .

835. Narrated Ibn Abū Mulaika : Ibn ʿAbbās wrote that the Prophet gave his verdict on the basis of the defendant's oath.

٨٣٥ ـ حدَّثنا أبُو نُعَيمٍ : حدَّثنا نافِعٌ ، عَنِ ابنِ أبى مُلَيْكَةَ قالَ : كَتَبَ ابنُ عَبَّاسٍ رَضِىَ اللهُ عَنْهُما : أنَّ النَّبِىَّ صلى اللهُ عليهِ وسلَّم قَضَى بالْيَمِينِ عَلَى المُدَّعَى عَلَيْهِ .

CHAPTER :—

بابٌ :ـ

836. Narrated Abū Wā'il : ʿAbdullāh (bin Masʿūd ؓ) said, "Who ever takes a (false) oath in order to grab some property (unjustly), Allāh's wrath will be on him when he meets Him. Allāh confirmed that through His Divine Revelation :—

> 'Those who earn a little by selling their convention with Allāh and their oaths............they will have a painful punishment.' (3:77)

Al-Ashʿath bin Qais came to us and asked, 'What is Abū ʿAbdur-Raḥmān (i.e. ʿAbdullāh) telling you ?' We told him what he was narrating to us. He said, 'He was telling the truth; this Divine Verse was revealed in connection with me. There was a dispute between me and another man about something and the case was taken before Allāh's Apostle ﷺ who said, 'Produce your two witnesses or else the defendant is to take an oath.' I said, 'The defendant will surely take a (false) oath caring for nothing.' The Prophet ﷺ said, 'Whoever takes an oath in order to grab property, and his oath is false, then Allāh's wrath will be on him when he meets Him.' Then Allāh revealed its confirmation. Al-Ashʿath then recited the above Divine Verse."

٨٣٦ - حدَّثَنا عُثمانُ بنُ أبي شَيْبَةَ: حدثنا جَرِيرٌ، عَنْ مَنْصُورٍ. عَنْ أبي وائِلٍ قالَ: قالَ عَبْدُ اللهِ: مَنْ حَلَفَ عَلَى يَمِينٍ يَسْتَحِقُّ بِها مالاً لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ. ثُمَّ أنْزَلَ اللهُ عزَّ وجَلَّ تَصْدِيقَ ذَلِكَ - إنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ وأيْمانِهِمْ - إلى - عَذابٌ ألِيمٌ - ثُمَّ إنَّ الأشْعَثَ بنَ قَيْسٍ خَرَجَ إلَيْنا، فَقالَ: ما يُحَدِّثُكُمْ أبُو عَبْدِ الرَّحْمَنِ؟ فَحَدَّثْناهُ بِما قالَ، فَقالَ: صَدَقَ، لَفِيَّ أُنْزِلَتْ: كانَ بَيْنِي وبَيْنَ رَجُلٍ خُصُومَةٌ في شَيْءٍ فاخْتَصَمْنا إلى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم فَقالَ: شاهِداكَ أوْ يَمِينُهُ، فَقُلْتُ لَهُ: إنَّهُ إذاً يَحْلِفَ ولا يُبالي. فَقالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: مَنْ حَلَفَ عَلَى يَمِينٍ يَسْتَحِقُّ بِها مالاً وهُوَ فِيها فاجِرٌ لَقِيَ اللهَ وهُوَ عَلَيْهِ غَضْبانُ. فأنْزَلَ اللهُ تَصْدِيقَ ذَلِكَ ثُمَّ اقْتَرَأَ هذهِ الآيَةَ.

CHAPTER. If someone claims something or accuses somebody of illegal sexual intercourse he should search for the proof and is to be given a respite to fetch an evidence.

بابٌ - إذا ادَّعَى أوْ قَذَفَ فَلَهُ أنْ يَلْتَمِسَ البَيِّنَةَ ويَنْطَلِقَ لِطَلَبِ البَيِّنَةِ.

837. Narrated Ibn ʿAbbās رضي الله عنهما : Hilāl bin Umaiya accused his wife before the Prophet ﷺ of committing illegal sexual intercourse with Sharīk bin Saḥmā'. The Prophet ﷺ said, " Produce a proof, or else you would get the legal punishment (by being lashed) on your back." Hilal said, " O Allāh's Apostle ! If anyone of us saw another man over his wife, would he go to search for a proof ? " The Prophet ﷺ went on saying, " Produce a proof or else you would get the legal punishment (by being lashed) on your back." The Prophet ﷺ then mentioned the narration of Liʿān (1) (as in the Holy Book).

CHAPTER. The taking of an oath after the ʿAṣr prayer.

838. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, " There are three persons whom Allāh will not speak with, look at, or purify from (the sins), and they will receive a painful punishment. (They are) :—

(1) A man who possesses superfluous water on the way and forbids the travellers to use it,

٨٣٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ هِشَامٍ ، عَنْ عِكْرِمَةَ ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا : أَنَّ هِلاَلَ بْنَ أُمَيَّةَ قَذَفَ امْرَأَتَهُ عِنْدَ النَّبِيِّ صلى اللهُ عليه وسلَّم بِشَرِيكِ بْنِ سَحْمَاءَ، فَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم : الْبَيِّنَةَ أَوْ حَدًّا فِي ظَهْرِكَ. فَقَالَ: يَا رَسُولَ اللهِ، إِذَا رَأَى أَحَدُنَا عَلَى امْرَأَتِهِ رَجُلاً يَنْطَلِقُ يَلْتَمِسُ الْبَيِّنَةَ ؟ فَجَعَلَ يَقُولُ : الْبَيِّنَةُ وَإِلاَّ حَدٌّ فِي ظَهْرِكَ، فَذَكَرَ حَدِيثَ اللِّعَانِ .

بَابُ الْيَمِينِ بَعْدَ الْعَصْرِ .

٨٣٨ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللهِ : حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنِ الأَعْمَشِ ، عَنْ أَبِي صَالِحٍ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ : قَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : ثَلاَثَةٌ لاَ يُكَلِّمُهُمُ اللهُ وَلاَ يَنْظُرُ إِلَيْهِمْ وَلاَ يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ : رَجُلٌ

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(1) Literally Liʿān meaning cursing, legally it means an oath by which a husband claims that his wife has committed illegal sexal intercourse. The wife in her turn denies the accusation and takes a similar oath. In both oaths Allāh is invoked to curse the liar. The case ends with divorce but no punishment is imposed on any of the two because there are no witnesses to confirm the accusation.

(2) a man who gives a solemn pledge to the head of Muslims only for worldly gains; if the latter gives him what he wants, he remains obedient to it, otherwise he does not abide by it, and

(3) a man who bargains about the price (of something) with another man after the Asr prayer and the latter swears by Allāh falsely claiming that he has been offered so much for the thing and the former (believes him and) buys it."

عَلَى فَضْلِ ماءٍ بِطَرِيقٍ يَمْنَعُ مِنْهُ ابنَ السَّبِيلِ. ورَجُلٌ بايَعَ رَجُلاً لا يُبايِعُهُ إلاَّ للدُّنْيا، فإنْ أعْطاهُ ما يُرِيدُ وفَّى لَهُ وإلاَّ لمْ يَفِ لَهُ. ورَجُلٌ ساوَمَ رَجُلاً بِسِلْعَةٍ بَعْدَ العَصْرِ فَحَلَفَ باللهِ لَقَدْ أعْطَى بِهِ كَذَا وكَذَا، فأخَذَها.

CHAPTER. The defendant has to take an oath wherever it becomes legally compulsory, and it is not imperative to take him from his place to another place (i.e. a sacred place like a mosque) for this purpose. Marwān ordered Zaid bin Thābit to take an oath on the pulpit, but the latter said, "I will take an oath at my place," and started taking the oath and refused to take it on pulpit. Marwān was surprised at his refusal. The Prophet ﷺ said to the plaintiff, "Produce your two witnesses, or else the defendant has to take an oath." But he did not specify (where the oath was to be taken).

بابٌ - يَحْلِفُ المُدَّعَى عَلَيْهِ حَيْثُما وجَبَتْ عليهِ اليَمِينُ، ولا يُصْرَفُ مِنْ مَوْضِعٍ إلى غَيرِهِ. قَضَى مَرْوَانُ باليَمِينِ عَلَى زَيْدِ بنِ ثابِتٍ عَلَى المِنْبَرِ فقالَ: أحْلِفُ لَهُ مَكانى فَجَعَلَ زَيْدٌ يَحْلِفُ وأبَى أنْ يَحْلِفَ عَلَى المِنْبَرِ، فَجَعَلَ مَرْوَانُ يَعْجَبُ مِنْهُ. وقالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: شاهِداكَ أوْ يَمِينُهُ ولمْ يَخُصَّ مَكاناً دُونَ مَكانٍ.

839. Narrated Ibn Mas'ūd رضي الله عنه : The Prophet ﷺ said, "Whoever takes

٨٣٩ - حدَّثَنا مُوسَى بنُ إسماعِيلَ: حدَّثَنا عَبْدُ الوَاحِدِ، عَنِ الأعْمَشِ،

a (false) oath in order to grab property, then Allah's Wrath will be on him when he meets Him."

عَنْ أبي وَائِلٍ، عَنِ ابنِ مَسْعُودٍ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ صلى اللهُ عليه وسلَّم قالَ: مَنْ حَلَفَ عَلى يَمِينٍ لِيَقْتَطِعَ بِها مالاً لَقِيَ اللهَ و هُوَ عَلَيْهِ غَضْبانُ.

CHAPTER. If (some people have to take an oath) and each of them wants to take it first.

باب - إذا تسارَعَ قَوْمٌ فى اليَمِينِ.

840. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ asked some people to take an oath, and they hurried for it. The Prophet ﷺ ordered that lots should be passed amongst them as to who would take an oath first.

٨٤٠ - حدَّثَنِي إسحَاقُ بنُ نَصْرٍ: حدَّثَنا عَبْدُ الرَّزَّاقِ: أخْبرَنا مَعْمَرٌ، عَنْ هَمَّامٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ النَّبِيَّ صلى اللهُ عليه وسلَّم عَرَضَ عَلى قَوْمٍ اليَمِينَ فأسْرَعُوا فأمَرَ أنْ يُسْهِمَ بَيْنَهُمْ فى اليَمِينِ أيُّهُمْ يَحْلِفُ.

CHAPTER. The Statement of Allah ﷻ :—

> 'Those who earn a little gain by selling their convention with Allah and their oaths, will get painful punishments." (3:77)

باب قَوْلِ اللهِ تَعالى - إنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ و أيمانِهِمْ ثَمَناً قَلِيلاً أولَئِكَ لا خَلاقَ لَهُمْ فى الآخِرَةِ و لا يُكَلِّمُهُمُ اللهُ ولا يَنْظُرُ إلَيهِمْ و لا يُزَكِّيهِمْ ولَهُمْ عذابٌ ألِيمٌ -.

841. Narrated ʿAbdullāh bin Abū Aufā رضي الله عنهما: A man displayed some goods in the market and took an oath that he had been offered so much for them, though he was not offered that amount. Then the following Divine Verse was revealed :—

> 'Those who earn a little gain by selling their

٨٤١ - حدَّثَنِي إسْحَاقُ: أخْبرَنا يَزِيدُ بنُ هارُونَ: أخْبرَنا العَوَّامُ قالَ: حدَّثَنِي إبْرَاهِيمُ أبُو إسْمَاعِيلَ السَّكْسَكِيُّ: سَمِعَ عَبْدَ اللهِ بنَ أبي أوْفى رَضِيَ اللهُ عَنْهُما يَقُولُ: أقامَ رَجُلٌ سِلْعَتَهُ فَحَلَفَ باللهِ لَقَدْ أعْطَى بِها ما لَمْ يُعْطِها. فَنَزَلَتْ - إنَّ الَّذِينَ

> Convention with Allāh or their
> oaths.........
> Will get painful punishment.'
> (3:77)

Ibn Abū Aufā added, "Such person as described above is a treacherous riba-eater."

842. Narrated Abū Wā'il from ʿAbdullāh ؓ: The Prophet ﷺ said, "Whoever takes a false oath in order to grab another man's (or his brother's) property, then Allāh's Wrath will be on him when he meets him." Then Allāh confirmed this by revealing the Divine Verse :—

> 'Those who earn a little gain by selling their
> Convention with Allāh and their oaths...............
> Will get painful punishment."
> (3:77)

Al-Ashʿath met me and asked, "What did ʿAbdullāh tell you to-day?" I said, "So and so". He said, "The Verse was revealed regarding my case."

CHAPTER. What form should an oath take? Allāh عَزَّ وَجَلَّ said :—

> 'They swear by Allāh,'
> (9:56, 62, 74, 95).

And Allāh عَزَّ وَجَلَّ said :—

> "Then they came to you swearing by Allāh : 'We intended no more than good-will and conciliation.'"
> (4:62)

يَشْتَرُونَ بِعَهْدِ اللهِ وَ أَيْمانِهِمْ ثَمَنًا قَلِيلاً ـ قالَ ابنُ أَبِي أَوْفَى : النَّاجِشُ آكِلُ رِبًا خائِنٌ .

٨٤٢ ـ حَدَّثَنا بِشْرُ بنُ خالِدٍ : أَخْبَرَنا مُحَمَّدُ بنُ جَعْفَرٍ ، عَنْ شُعْبَةَ ، عَنْ سُلَيمانَ ، عَنْ أَبِي وَائِلٍ عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ قالَ : مَنْ حَلَفَ عَلَى يَمِينٍ كاذِبًا لِيَقْتَطِعَ مالَ الرَّجُلِ ، أَوْ قالَ أَخِيهِ ، لَقِيَ اللهَ وَ هُوَ عَلَيْهِ غَضْبانُ ، وَ أَنْزَلَ اللهُ تَصْدِيقَ ذَلِكَ فِي القُرْآنِ ـ إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللهِ وَ أَيْمانِهِمْ ثَمَنًا قَلِيلاً ـ إِلَى قَوْلِهِ ـ عَذابٌ أَلِيمٌ ـ فَلَقِيَنِي الأَشْعَثُ فَقالَ : ما حَدَّثَكُمْ عَبْدُ اللهِ اليَوْمَ ؟ قُلْتُ : كَذا وَ كَذا ، قالَ : فِيَّ أُنْزِلَتْ .

بابٌ ـ كَيْفَ يُسْتَحْلَفُ ؟ قالَ تَعالَى ـ يَحْلِفُونَ بِاللهِ ـ وَ قَوْلُهُ عَزَّ وَجَلَّ ـ ثُمَّ جاءُوكَ يَحْلِفُونَ بِاللهِ إِنْ أَرَدْنا إِلاَّ إِحْسانًا وَ تَوْفِيقًا ـ يُقالُ : بِاللهِ وَ تاللهِ وَ وَاللهِ . وَ قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّمَ : وَ رَجُلٌ حَلَفَ بِاللهِ كاذِبًا بَعْدَ العَصْرِ . وَلا يُحْلَفُ بِغَيْرِ اللهِ .

The expressions used in Arabic for "By Allāh" are: "Bil-lāhi, Tal-lāhi, Wal-lāhi."

The Prophet ﷺ said, "And a man who swears by Allāh falsely after the ʿAṣr prayer." The Prophet ﷺ said, "One should not swear except by Allāh."

843. Narrated Ṭalḥa bin ʿUbaidullāh رضي الله عنه: A man came to Allāh's Apostle ﷺ asking him about Islām. Allāh's Apostle ﷺ said, "There are five prayers in a period of one day and one night." The man asked, "Is there any more compulsory prayers for me?" Allāh's Apostle ﷺ said, "No, unless you like to offer Nawāfil (i.e. optional prayers)." Allāh's Apostle ﷺ then added, "And the fasting of Ramadan." The man said, "Am I to fast at other times?" Allāh's Apostle ﷺ said, "No, unless you wish to fast voluntarily." Then Allāh's Apostle ﷺ told him about the compulsory Zakāt. The man asked, "Do I have to pay anything besides?" Allāh's Apostle ﷺ said, "No, unless you wish to pay in charity voluntarily." So, the man departed saying, "By Allāh I will neither do more nor less than that." Allāh's Apostle ﷺ said, "If he has said the truth he will be successful."

844. Narrated ʿAbdullāh رضي الله عنه: The Prophet ﷺ said, "Whoever has to

٨٤٣ ـ حَدَّثَنَا إِسْمَاعِيلُ بنُ عَبْدِ اللهِ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ عَمِّهِ أَبِي سُهَيْلٍ، عَنْ أَبِيهِ: أَنَّهُ سَمِعَ طَلْحَةَ بنَ عُبَيْدِ اللهِ يَقُولُ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللهِ صلى الله عليه وسلَّم فَإِذَا هُوَ يَسْأَلُهُ عَنِ الإِسْلَامِ؟ فَقَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: خَمْسُ صَلَوَاتٍ فِي اليَوْمِ وَاللَّيْلَةِ. فَقَالَ: هَلْ عَلَيَّ غَيْرُهَا؟ قَالَ: لَا إِلَّا أَنْ تَطَوَّعَ. فَقَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: وَصِيَامُ رَمَضَانَ، قَالَ: هَلْ عَلَيَّ غَيْرُهُ؟ قَالَ: لَا إِلَّا أَنْ تَطَوَّعَ. قَالَ: وَذَكَرَ لَهُ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم الزَّكَاةَ، قَالَ: هَلْ عَلَيَّ غَيْرُهَا؟ قَالَ: لَا إِلَّا أَنْ تَطَوَّعَ. فَأَدْبَرَ الرَّجُلُ وَهُوَ يَقُولُ: وَاللهِ لَا أَزِيدُ عَلَى هَذَا وَلَا أَنْقُصُ. قَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: أَفْلَحَ إِنْ صَدَقَ.

٨٤٤ ـ حَدَّثَنَا مُوسَى بنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ قَالَ: ذَكَرَ نَافِعٌ، عَنْ

take an oath should swear by Allāh or remain silent." (i. e. He should not swear by other than Allāh.)

CHAPTER. Whoever produces the proof after (the defendant) has taken the oath. The Prophet ﷺ said, "Perhaps some of you are more eloquent and persuasive in presenting their argument than their opponents." Ṭawūs, Ibrāhīm and Shuraiḥ said, "A clear just evidence (produced by the plaintive) is more valid than a false oath (taken by the defendant)."

845. Narrated Um Salama رضي الله عنها: Once Allāh's Apostle ﷺ said, "You people present your cases to me and some of you may be more eloquent and persuasive in presenting their argument. So, if I give some one's right to another (wrongly) because of the latter's (tricky) presentation of the case, I am really giving him a piece of fire; so he should not take it."

CHAPTER. Whoever sees that promises should be fulfilled. Al-Ḥasan supported this judgement. (Allāh says):—

> 'And mention in the Book, Ishmāel:
> He was true to what he promised.'
> (19 : 54)

Ibn Al-Ashwa' judged that promises should be fulfilled, and he mentioned that Samura adopted the same opinion.

عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ صلى اللهُ عليهِ وسلَّم قالَ: مَنْ كانَ حالِفًا فَلْيَحْلِفْ باللهِ أَوْ لِيَصْمُتْ.

بابُ مَنْ أقامَ البَيِّنَةَ بَعْدَ اليَمِينِ. وقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: لَعَلَّ بَعْضَكُمْ أَلحَنُ بِحُجَّتِهِ مِنْ بَعْضٍ. وقالَ طاوُسٌ وإبْرَاهِيمُ وشُرَيْحٌ: البَيِّنَةُ العادِلَةُ أَحَقُّ مِنَ اليَمِينِ الفاجِرَةِ.

٨٤٥ ـ حدَّثَنا عَبْدُ اللهِ بن مَسْلَمَةَ، عَنْ مالِكٍ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ عَنْ أُمِّ سَلَمَةَ رَضِيَ اللهُ عَنْها: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: إنَّكُمْ تَخْتَصِمُونَ إلَيَّ ولَعَلَّ بَعْضَكُمْ أَلحَنُ بِحُجَّتِهِ مِنْ بَعْضٍ، فَمَنْ قَضَيْتُ لَهُ بِحَقِّ أَخِيهِ شَيْئًا بِقَوْلِهِ فإنَّما أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ فَلا يأْخُذْها.

بابُ مَنْ أَمَرَ بإنْجازِ الوَعْدِ، وفَعَلَهُ الحَسَنُ ـ واذْكُرْ في الكِتابِ إسْمَاعِيلَ إنَّهُ كانَ صادِقَ الوَعْدِ ـ وقَضَى ابنُ الأشْوَعِ بالوَعْدِ وذَكَرَ ذَلكَ عَنْ سَمُرَةَ، وقالَ المِسْوَرُ بنُ مَخْرَمَةَ: سَمِعْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم وذَكَرَ صِهْرًا لَهُ فَقالَ: وعَدَنِي

Narrated Al-Miswar bin Makhrama رضي الله عنه : I heard the Prophet ﷺ saying about one of his sons-in-law, "He promised me and fulfilled his promise." Narrated Abū ʿAbdullāh (Al-Bukhārī) I saw Isḥāq bin Ibrāhīm depending on Ibn Ashwaʿ's narration in giving verdicts.

فَوَفَّانِي . قالَ أَبُو عَبْدِ الله : رَأَيْتُ إِسْحَاقَ بنَ إِبْرَاهِيمَ يَحْتَجُّ بِحَدِيثِ ابنِ أَشْوَعَ .

846. Narrated ʿAbdullāh bin ʿAbbās رضي الله عنهما : Abū Sufyān told me that Heraclius said to him, "When I enquired you what he (i. e. Muḥammad ﷺ) ordered you, you replied that he ordered you to establish the prayer, to speak the truth, to be chaste, to keep promises and to pay back trusts." Then Heraclius added, "These are really the qualities of a prophet."

٨٤٦ - حدَّثَنِي إِبْرَاهِيمُ بنُ حَمْزَةَ : حدَّثَنَا إِبْرَاهِيمُ بنُ سَعْدٍ ، عَنْ صَالِحٍ ، عَنِ ابنِ شِهَابٍ ، عَنْ عُبَيْدِ الله بنِ عَبْدِ الله : أنَّ عَبْدَ الله بنَ عَبَّاسٍ رَضِيَ الله عَنْهُمَا أَخْبَرَهُ قالَ : أَخْبَرَنِي أَبُو سُفْيَانَ أنَّ هِرَقْلَ قالَ لَهُ : سَأَلْتُكَ ما ذَا يَأْمُرُكُمْ ؟ فَزَعَمْتَ أَنَّهُ أَمَرَكُمْ بِالصَّلاةِ والصِّدْقِ والعَفَافِ والوَفَاءِ بالعَهْدِ وأَدَاءِ الأَمَانَةِ ، قالَ : و هذهِ الاَ صِفَةُ نَبِيٍّ .

CHAPTER :—

باب :ـ

847. Narrated Abū Huraira رضي الله عنه : Allāh's Apostle ﷺ said, "There are three signs of a hypocrite :—

(1) Whenever he talks, he tells a lie,

(2) whenever he is entrusted, he betrays, and

(3) whenever he promises, he breaks his promise.

٨٤٧ - حدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ : حدَّثَنَا إِسْمَاعِيلُ بنُ جَعْفَرٍ ، عَنْ أَبِي سُهَيْلٍ نَافِعِ بنِ مَالِكِ بنِ أَبِي عَامِرٍ ، عَنْ أَبِيهِ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ الله عَنْهُ : أنَّ رَسُولَ الله صلى الله عليه وسلَّم قالَ : آيَةُ المُنَافِقِ ثَلاثٌ : إِذَا حَدَّثَ كَذَبَ ، وإِذَا أُؤْتُمِنَ خَانَ ، وإِذَا وَعَدَ أَخْلَفَ .

848. Narrated Muḥammad bin ʿAlī: Jābir bin ʿAbdullāh رضي الله عنه said, "When the

٨٤٨ - حدَّثَنَا إِبْرَاهِيمُ بنُ مُوسَى : أَخْبَرَنَا هِشَامٌ ، عَنِ ابنِ جُرَيْجٍ قالَ :

Prophet ﷺ died, Abū Bakr received some property from Al-ʿAlā bin Al-Haḍramī. Abū Bakr said to the people, 'Whoever has a money claim on the Prophet ﷺ, or was promised something by him, should come to us (so that we may pay him his right).'" Jābir added, "I said (to Abū Bakr), 'Allāh's Apostle ﷺ promised me that he would give me this much, and this much, and this much (spreading his hands three times).'" Jābir added, "Abū Bakr counted for me and handed me five-hundred (gold pieces), and then five-hundred, and then five-hundred."

أخْبرنى عَمْرُو بنُ دِينارٍ، عَنْ مُحَمَّدِ بنِ عَلِىٍّ، عَنْ جابِرِ بنِ عَبْدِ اللهِ رَضِىَ اللهُ عَنْهُمْ قالَ لَمَّا ماتَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم جاءَ أبا بَكْرٍ مالٌ مِنْ قِبَلِ العَلاءِ بنِ الحَضْرَمىِّ فَقالَ أبُو بَكْرٍ: مَنْ كانَ لَهُ عَلَى النَّبِىِّ صلى اللهُ عليهِ وسلَّم دَيْنٌ أوْ كانَتْ لَهُ قِبَلَهُ عِدَةٌ فَلْيَأتِنا، قالَ جابِرٌ: فَقُلْتُ وعَدَنى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم أنْ يُعْطِيَنِى هَكَذَا وهَكَذَا وهَكَذَا، فَبَسَطَ يَدَيْهِ ثَلاثَ مَرَّاتٍ. قالَ جابِرٌ: فَعَدَّ فى يَدِى خَمْسَمِائَةٍ، ثُمَّ خَمْسَمِائَةٍ، ثُمَّ خَمْسَمِائَةٍ.

849. Narrated Saʿīd bin Jubair: A Jew from Ḥīra asked me which one of the two periods Mūsā (i.e. Prophet Moses (عليه السلام)) completed. I said, "I don't know, (but wait) till I see the most learned ʿArab and enquired him about it." So, I went to Ibn ʿAbbās and asked him. He replied, "Moses completed the longer and better period." Ibn ʿAbbās added, "No doubt, an apostle of Allāh always does what he says."

٨٤٩ ـ حدَّثَنى مُحَمَّدُ بنُ عَبْدِ الرَّحيمِ: أخْبَرَنا سَعِيدُ بنُ سُلَيمانَ: حدَّثَنا مَرْوانُ ابنُ شُجاعٍ، عَنْ سالِمٍ الأفْطَسِ، عَنْ سَعِيدِ بنِ جُبَيْرٍ قالَ: سَألَنى يَهُودِىٌّ مِنْ أهْلِ الحيرَةِ: أىُّ الأجَلَيْنِ قَضَى مُوسَى؟ قُلْتُ: لا أدْرِى حَتَّى أقْدَمَ عَلَى حَبْرِ العَرَبِ فأسْألَهُ. فَقَدِمْتُ فَسَألْتُ ابنَ عَبَّاسٍ فَقالَ: قَضَى أكْثَرَهُما وأطْيَبَهُما، إنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم إذا قالَ فَعَلَ.

CHAPTER. Pagans should not be asked to give witnesses or the like (i. e. their witnesses are not acceptable).

بابٌ ـ لا يُسْألُ أهْلُ الشِّرْكِ عَنِ الشَّهادَةِ وغَيرِها.

و قالَ الشَّعْبِىُّ: لا تَجُوزُ شَهادَةُ أهْلِ المِلَلِ بَعْضِهِمْ

Ash-Sha'bi said, "The witnesses of the people of the different religions against one another is not valid,(1) as Allah عَزَّ وَجَلَّ says :—

> 'We cause enmity and hatred amongst them.'" (5:15)

Abu Huraira رضي الله عنه said, "The Prophet ﷺ said, 'Neither believe the people of the Scriptures, nor disbelieve them, but say : We believe in Allah and whatever was revealed by Him.'"

عَلَى بَعْضٍ، لِقَوْلِهِ عَزَّ وَجَلَّ - فَأَغْرَيْنَا بَيْنَهُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ - . وَقَالَ أَبُو هُرَيْرَةَ عَنِ النَّبِيِّ صلى اللهُ عليهِ وسلَّمَ: لَا تُصَدِّقُوا أَهْلَ الْكِتَابِ وَلَا تُكَذِّبُوهُمْ. وَقُولُوا آمَنَّا بِاللهِ وَمَا أُنْزِلَ - .

850. Narrated 'Ubaidullah bin 'Abdullah bin 'Utba : Ibn 'Abbas رضي الله عنهما said, "O Muslims ! How do you ask the people of the Scriptures, though your Book (i.e.the Qur'an) which was revealed to His Prophet ﷺ is the most recent information from Allah and you recite it, the Book that has not been distorted? Allah has revealed to you that the people of the Scriptures have changed with their own hands what was revealed to them, and have said, 'This is from Allah in order to get some worldly benefit thereby.' Isn't the knowledge revealed to you sufficient to prevent you from asking them? By Allah, I have never seen one of them asking you about what has been revealed to you."

٨٥٠ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: يَا مَعْشَرَ الْمُسْلِمِينَ، كَيْفَ تَسْأَلُونَ أَهْلَ الْكِتَابِ؟ وَكِتَابُكُمُ الَّذِي أُنْزِلَ عَلَى نَبِيِّهِ صلى اللهُ عليهِ وسلَّمَ أَحْدَثُ الْأَخْبَارِ بِاللهِ تَقْرَءُونَهُ لَمْ يُشَبْ. وَقَدْ حَدَّثَكُمُ اللهُ أَنَّ أَهْلَ الْكِتَابِ بَدَّلُوا مَا كَتَبَ اللهُ وَغَيَّرُوا بِأَيْدِيهِمُ الْكِتَابَ فَقَالُوا هُوَ مِنْ عِنْدِ اللهِ لِيَشْتَرُوا بِهِ ثَمَنًا قَلِيلًا. أَفَلَا يَنْهَاكُمْ مِنَ الْعِلْمِ عَنْ مُسَاءَلَتِهِمْ؟ وَلَا وَاللهِ مَا رَأَيْنَا مِنْهُمْ رَجُلًا قَطُّ يَسْأَلُكُمْ عَنِ الَّذِي أُنْزِلَ عَلَيْكُمْ.

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(1) Al-Hasan and some other scholars say that the witness of somebody against someone belonging to another religion, is not valid, but it is valid if the two persons belong to the same religion. Ash-Sba'bi permits the witness of Muslims in cases involving non-Muslims.

CHAPTER. Drawing lots to solve problems, and the Statement of Allāh عَزَّ وَجَلَّ :—

> 'When they drew lots to decide who should be in charge of Mary by throwing their pens.' (3:44)

Ibn ʿAbbās (explaining the Verse) said, "They drew lots (by throwing their pens in the river); the pens went along the stream except Zakariyā's pen which stood stationary against the flow of the stream and so Zakariyā became in charge of Mary." Allāh's saying "Fasāhama" means "cast lots", and "and he was condemned" means "the lot fell on him". (37:141)

Narrated Abū Huraira ؓ, "The Prophet ﷺ orderded some people to take an oath, and all of them hurried to take it, but he ordered that lots be cast as to which of them should take the oath (first)."

بَابُ الْقُرْعَةِ فِى الْمُشْكِلَاتِ، وَقَوْلِهِ عَزَّ وَجَلَّ - إِذْ يُلْقُونَ أَقْلَامَهُمْ أَيُّهُمْ يَكْفُلُ مَرْيَمَ - وَقَالَ ابْنُ عَبَّاسٍ: اقْتَرَعُوا فَجَرَتِ الْأَقْلَامُ مَعَ الْجِرْيَةِ وَعَالَ قَلَمُ زَكَرِيَّا الْجِرْيَةَ فَكَفَلَهَا زَكَرِيَّا. وَقَوْلِهِ: فَسَاهَمَ: أَقْرَعَ - فَكَانَ مِنَ الْمُدْحَضِينَ -: مِنَ الْمَسْهُومِينَ. وَقَالَ أَبُو هُرَيْرَةَ: عَرَضَ النَّبِيُّ صلى الله عليهِ وسلَّم عَلَى قَوْمٍ الْيَمِينَ فَأَسْرَعُوا. فَأَمَرَ أَنْ يُسْهِمَ بَيْنَهُمْ أَيُّهُمْ يَحْلِفُ.

851. Narrated An-Nuʿmān bin Bashīr ؓ: The Prophet ﷺ said, "The example of those who are indifferent and overlook the other's violations of the limits and regulations prescribed by Allāh and those who do wrong and violate such limits and regulations is like the example of people drawing lots for seats in a boat and some of them get seats in the upper part and the rest in the lower part; those in the lower part have to pass by those in the upper one to get

٨٥١ - حَدَّثَنَا عُمَرُ بْنُ حَفْصِ ابْنِ غِيَاثٍ: حَدَّثَنَا أَبِى: حَدَّثَنَا الْأَعْمَشُ قَالَ: حَدَّثَنِى الشَّعْبِىُّ أَنَّهُ سَمِعَ النُّعْمَانَ ابْنَ بَشِيرٍ رَضِىَ اللهُ عَنْهُمَا يَقُولُ: قَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: مَثَلُ الْمُدْهِنِ فِى حُدُودِ اللهِ وَالْوَاقِعِ فِيهَا مَثَلُ قَوْمٍ اسْتَهَمُوا سَفِينَةً فَصَارَ بَعْضُهُمْ فِى أَسْفَلِهَا وَصَارَ بَعْضُهُمْ فِى أَعْلَاهَا، فَكَانَ الَّذِينَ فِى أَسْفَلِهَا يَمُرُّونَ بِالْمَاءِ

water, and that troubles the latter. One of them (i.e. the people in the lower part) takes an axe and starts making a hole in the bottom of the boat. The people of the upper part come and ask him, 'What is wrong with you?' He replies, 'I caused you much trouble (by passing by you), and I have to have water.' Now if they prevent him from doing that they will save him and themselves, but if they leave him (to do what he wants), they will destroy him and themselves."(1)

عَلَى الَّذِينَ فِى أَعْلاهَا فَتَأَذَّوْا بِهِ ، فَأَخَذَ فَأْسًا فَجَعَلَ يَنْقُرُ أَسْفَلَ السَّفِينَةِ فَأَتَوْهُ فَقَالُوا : مَالَكَ ؟ قَالَ : تَأَذَّيْتُمْ بِى وَلابُدَّ لِى مِنَ الْمَاءِ ، فَإِنْ أَخَذُوا عَلَى يَدَيْهِ أَنْجَوْهُ وَ نَجَّوْا أَنْفُسَهُمْ ، وَ إِنْ تَرَكُوهُ أَهْلَكُوهُ وَ أَهْلَكُوا أَنْفُسَهُمْ .

852. Narrated Khārija bin Zaid Al-Anṣārī that Um Al-'Alā, one of his relatives who had given a solemn pledge to the Prophet ﷺ told him that when the Anṣār drew lots as to which of the emigrants should dwell with which of the Ansar, the name of 'Uthmān bin Maḍ'ūn came out (to be in their lot). Um Al-'Alā further said, "'Uthmān stayed with us and we nursed him when he got sick. When he died we shrouded him in his clothes. When Allāh's Apostle ﷺ came to our house I said (addressing the dead 'Uthman), 'O Abu As-Sā'ib! Allah be merciful to you. I certify that Allāh has blessed you.' The Prophet ﷺ asked me, 'How do you know that Allāh has blessed him?' I replied, 'I do no know O Allāh's Apostle ﷺ! May my parents

٨٥٢ ـ حَدَّثَنَا أَبُو الْيَمَانِ : أَخْبَرَنَا شُعَيْبٌ : عَنِ الزُّهْرِىِّ قَالَ : حَدَّثَنِى خَارِجَةُ بْنُ زَيْدٍ الأَنْصَارِىُّ : أَنَّ أُمَّ الْعَلاءِ ، امْرَأَةً مِنْ نِسَائِهِمْ قَدْ بَايَعَتِ النَّبِىَّ صلى اللهُ عليهِ وسلَّم أَخْبَرَتْهُ أَنَّ عُثْمَانَ بْنَ مَظْعُونٍ طَارَ لَهُ سَهْمُهُ فِى السُّكْنَى حِينَ اقْتَرَعَتِ الأَنْصَارُ سُكْنَى الْمُهَاجِرِينَ ، قَالَتْ أُمُّ الْعَلاءِ : فَسَكَنَ عِنْدَنَا عُثْمَانُ بْنُ مَظْعُونٍ فَاشْتَكَى فَمَرَّضْنَاهُ ، حَتَّى إِذَا تُوُفِّىَ وَ جَعَلْنَاهُ فِى ثِيَابِهِ دَخَلَ عَلَيْنَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَقُلْتُ : رَحْمَةُ اللهِ عَلَيْكَ أَبَا السَّائِبِ ، فَشَهَادَتِى عَلَيْكَ لَقَدْ أَكْرَمَكَ اللهُ . فَقَالَ لِى النَّبِىُّ صلى اللهُ

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(1) This means that one should not only avoid violating Allāh's limits but should prevent others from doing so; otherwise the whole society gets corrupted and the good and the evil people are destroyed without discrimination.

be sacrificed for you.' Allah's Apostle ﷺ said, 'As regards 'Uthman, by Allah he has died and I really wish him every good, yet, by Allah, although I am Allah's Apostle, I do not know what will be done to him.' Um Al-'Ala said, 'Never shall I attest the piety of anybody after him, and what Allah's Apostle ﷺ had said made me sad.'' Later, Um Al-'Ala said, "Once I slept and saw in a dream a flowing stream for 'Uthman. When I went to Allah's Apostle ﷺ and told him about it, he said, 'That is (the symbol of) his deeds.' "

عليه وسلَّم: وما يُدْرِيكِ أنَّ اللهَ أكْرَمَهُ؟ فقُلْتُ: لا أدْرِي بأبي أنْتَ وأُمِّي يا رَسُولَ اللهِ. فقالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: أمَّا عُثْمانُ فقَدْ جاءَهُ واللهِ اليَقِينُ، وإنِّي لأرْجُو لهُ الخَيْرَ، واللهِ ما أدْرِي وأنا رَسُولُ اللهِ ما يُفْعَلُ بِهِ. قالَتْ: فوَ اللهِ لا أُزَكِّي أحَدًا بَعْدَهُ أبدًا فأحْزَنَنِي ذَلِكَ، قالَتْ: فنِمْتُ فأُرِيتُ لِعُثْمانَ عَيْنًا تَجْرِي فجِئْتُ إلى رَسُولِ اللهِ صلى اللهُ عليه وسلَّم فأخْبَرْتُهُ فقالَ: ذَلِكَ عَمَلُهُ.

853. Narrated 'Aisha رضي الله عنها: Whenever Allah's Apostle ﷺ intended to go on a journey, he would draw lots among his wives and would take with him the one on whom the lot fell. He also used to fix for everyone of his wives a day and a night, but Sauda bint Zam'a gave up her day and night to 'Aisha, the wife of the Prophet ﷺ intending thereby to please Allah's Apostle ﷺ.

٨٥٣ - حدَّثَنا مُحَمَّدُ بنُ مُقاتِلٍ: أخْبَرَنا عَبْدُ اللهِ: أخْبَرَنا يُونُسُ، عنِ الزُّهْرِيِّ قالَ: أخْبَرَنِي عُرْوَةُ عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: كانَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم إذا أرادَ سَفَرًا أقْرَعَ بَيْنَ نِسائِهِ فأيَّتُهُنَّ خَرَجَ سَهْمُها خَرَجَ بِها مَعَهُ، وكانَ يَقْسِمُ لِكُلِّ امْرَأةٍ مِنْهُنَّ يَوْمَها ولَيْلَتَها. غيرَ أنَّ سَوْدَةَ بِنْتَ زَمْعَةَ وَهَبَتْ يَوْمَها ولَيْلَتَها لِعائِشَةَ زَوْجِ النَّبِيِّ صلى اللهُ عليه وسلَّم تَبْتَغِي بِذَلِكَ رِضا رَسُولِ اللهِ صلى اللهُ عليه وسلَّم.

854. Narrated Abu Huraira رضي الله عنه: Allah's Apostle ﷺ said, "If the people knew what is the reward of making the call (for the prayer) and (of being in)

٨٥٤ - حدَّثَنا إسْماعِيلُ قالَ: حدَّثَنِي مالِكٌ، عَنْ سُمَيٍّ مَوْلَى أبي بَكْرٍ، عَنْ أبي صالِحٍ، عَنْ أبي هُرَيْرَةَ

the first row (in the prayer), they found no other way to get this privilege except by casting lots, they would certainly cast lots for it. If they knew the reward of the noon prayer, they would race for it, and if they knew the reward of the morning (i.e. Fajr) and 'Ishā prayers, they would present themselves for the prayer even if they had to crawl to reach there."

رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ صلى اللهُ
عليهِ وسلَّم قالَ: لَوْ يَعْلَمُ النَّاسُ ما فى
النِّدَاءِ والصَّفِّ الأَوَّلِ ثُمَّ لَمْ يَجِدُوا
إلاَّ أَنْ يَسْتَهِمُوا عَلَيْهِ لاَسْتَهَمُوا، ولَوْ
يَعْلَمُونَ ما فى التَّهْجِيرِ لاَسْتَبَقُوا إلَيْهِ،
وَلَوْ يَعْلَمُونَ ما فى العَتَمَةِ والصُّبْحِ
لأَتَوْهُمَا ولَوْ حَبْوًا.

In the name of Allāh,
the most Beneficent, the most Merciful

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيمِ

THE BOOK OF PEACEMAKING (OR CONCILIATION).

كتاب الصلح

CHAPTER. What has been said regarding reconciliation between the people and the Statement of Allāh عَزَّ و جَلَّ :—

‘There is no good
In most of their secret talks
Unless they exhort a deed
Of charity or justice
Or conciliation between people
(Secrecy is permissible) and the one
Who does this
Seeking the good pleasure
Of Allāh, we shall soon give him
A reward of the highest (value).’
(2:114)

And the going of the ruler to the places (where disputes arise) to bring about a reconciliation between people through his companions.

ما جاءَ فى الإِصْلاحِ بَيْنَ النَّاسِ . و قَوْلِ اللهِ عَزَّ و جَلَّ - لا خَيْرَ فى كَثِيرٍ مِن نَجْوَاهُمْ إلاَّ مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلاحٍ بَيْنَ النَّاسِ و مَنْ يَفْعَلْ ذَلِكَ ابْتِغاءَ مَرْضَاةِ اللهِ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا - و خُرُوجِ الإمامِ إلى المَوَاضِعِ لِيُصْلِحَ بَيْنَ النَّاسِ بأَصْحابه.

855. Narrated Sahl bin Sa‘d ؓ : There was a dispute amongst the people of the tribe of Banī ‘Amr bin ‘Auf. The Prophet ﷺ went to them along with some of his companions in order to make peace between them. The time for the prayer became due but the Prophet ﷺ did not turn up; Bilal pronounced the Adhān

٨٥٥ - حدَّثَنا سَعِيدُ بنُ أبي مَرْيَمَ : حدَّثَنا أبُو غَسَّانَ قالَ : حدَّثَنِي أبُو حازِمٍ ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ : أَنَّ أُناسًا مِنْ بَنِي عَمْرِو بْنِ عَوْفٍ كانَ بَيْنَهُمْ شَيْءٌ فَخَرَجَ إِلَيْهِمُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فى أُناسٍ مِنْ أَصْحابِهِ

(i. e. call) for the prayer but the Prophet ﷺ did not turn up, so Bilal went to Abu Bakr and said, "The time for the prayer is due and the Prophet ﷺ is detained, would you lead the people in the prayer?" Abu Bakr replied, "Yes, if you wish." So, Bilal pronounced the Iqama of the prayer and Abu Bakr went ahead (to lead the prayer), but the Prophet ﷺ came walking among the rows till he joined the first row. The people started clapping and they clapped too much, and Abu Bakr used not to look hither and thither in the prayer, but he turned round and saw the Prophet ﷺ standing behind him. The Prophet ﷺ beckoned him with his hand to keep on praying where he was. Abu Bakr raised his hand and praised Allah and then retreated till he came in the (first) row, and the Prophet ﷺ went ahead and lead the people in the prayer. When the Prophet ﷺ finished the prayer, he turned towards the people and said, "O people! When something happens to you during the prayer, you start clapping. Really clapping is (permissible) for women only. If something happens to one of you in his prayer, he should say: 'Subhan Allah', (Glorified be Allah), for whoever hears him (saying so) will direct his attention towards him. O Abu Bakr! What prevented you from leading the people in the prayer when I beckoned to you (to continue)?" Abu Bakr replied, "It did not befit the son of Abu Quhafa to lead the prayer in front of the Prophet ﷺ."

يُصْلِحُ بَيْنَهُمْ ، فَحَضَرَتِ الصَّلاةُ ولَمْ
يأتِ النَّبِىُّ صلى اللهُ عليهِ وسلَّم فأذَّنَ
بِلالٌ بالصَّلاةِ ولمْ يأتِ النَّبِىُّ صلى اللهُ
عليهِ وسلَّم فَجاءَ إلى أبى بَكْرٍ فَقالَ : إنَّ
النَّبِىَّ صلى اللهُ عليهِ وسلَّم حُبِسَ و قَدْ
حَضَرَتِ الصَّلاةُ فَهَلْ لكَ أنْ تَؤُمَّ
النَّاسَ ؟ فَقالَ : نَعَمْ إنْ شِئْتَ ، فأقامَ
الصَّلاةَ فَتَقَدَّمَ أبُو بَكْرٍ ثُمَّ جاءَ النَّبِىُّ
صلى اللهُ عليهِ وسلَّم يَمْشِى فى الصُّفُوفِ
حَتَّى قامَ فى الصَّفِّ الأوَّلِ . فأخَذَ النَّاسُ
فى التَّصْفيحِ حَتَّى أكْثَرُوا و كانَ أبُو بَكْرٍ
لا يَكادُ يَلْتَفِتُ فى الصَّلاةِ ، فالْتَفَتَ
فإذَا هُوَ بالنَّبِىِّ صلى اللهُ عليهِ وسلَّم
وَرَاءَهُ فأشارَ إلَيْهِ بِيَدِهِ فأمَرَهُ أنْ
يُصَلِّىَ كما هُوَ . فَرَفَعَ أبُو بَكْرٍ يَدَهُ
فَحَمِدَ اللهَ ثُمَّ رَجَعَ القَهْقَرَى وَرَاءَهُ
حَتَّى دَخَلَ فى الصَّفِّ و تَقَدَّمَ النَّبِىُّ
صلى اللهُ عليهِ وسلَّم فَصَلَّى بالنَّاسِ . فَلَمَّا
فَرَغَ أقْبَلَ عَلَى النَّاسِ فَقالَ : يا أيُّها النَّاسُ
إذَا نابَكُمْ شَىْءٌ فى صَلاتِكُمْ أخَذْتُمْ
بالتَّصْفيحِ ، إنَّما التَّصْفيحُ للنِّساءِ . مَنْ
نابَهُ شَىْءٌ فى صَلاتِهِ فَلْيَقُلْ : سُبْحانَ
اللهِ : فإنَّهُ لا يَسْمَعُهُ أحَدٌ إلاَّ الْتَفَتَ .
يا أبا بَكْرٍ ، ما مَنَعَكَ حِينَ أشَرْتُ
إلَيْكَ لَمْ تُصَلِّ بالنَّاسِ ؟ فَقالَ : ما كانَ
يَنْبَغِى لا بن أبى قُحافَةَ أنْ يُصَلِّىَ بَيْنَ
يَدَىِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم .

856. Narrated Anas ؓ: The Prophet ﷺ was requested to pay a visit to 'Abdullāh bin Ubaī. So, the Prophet ﷺ went to him, riding a donkey, and the Muslims accompanied him, walking on salty barren land. When the Prophet ﷺ reached 'Abdullāh bin Ubaī, the latter said, "Keep away from me! By Allāh, the bad smell of your donkey has harmed me." On that an Ansari man said (to 'Abdullāh), "By Allāh! The smell of the donkey of Allāh's Apostle ﷺ is better than your smell." On that a man from 'Abdullāh's tribe got angry for 'Abdullāh's sake, and the two men abused each other which caused the friends of the two men to get angry, and the two groups started fighting with sticks, shoes and hands. We were informed that the following Divine Verse was revealed (in this concern):—

> 'If two groups of Believers fight with each other, make peace between them.' (49 : 9)

CHAPTER. He who makes peace between the people is not a liar.

857. Narrated Um Kulthūm bint Uqba that she heard Allāh's Apostle ﷺ saying, "He who makes peace between the people by inventing good information or saying good things, is not a liar."

٨٥٦ - حَدَّثَنَا مُسَدَّدٌ. حَدَّثَنَا مُعْتَمِرٌ قَالَ: سَمِعْتُ أَبِي أَنَّ أَنَسًا رَضِيَ اللهُ عَنْهُ قَالَ: قِيلَ لِلنَّبِيِّ صلى اللهُ عليهِ وسلَّم: لَوْ أَتَيْتَ عَبْدَ اللهِ بْنَ أُبَيٍّ، فَانْطَلَقَ إِلَيْهِ النَّبِيُّ صلى اللهُ عليهِ وسلَّم وَرَكِبَ حِمَارًا فَانْطَلَقَ الْمُسْلِمُونَ يَمْشُونَ مَعَهُ، وَهِيَ أَرْضٌ سَبِخَةٌ. فَلَمَّا أَتَاهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم فَقَالَ: إِلَيْكَ عَنِّي، وَاللهِ لَقَدْ آذَانِي نَتْنُ حِمَارِكَ. فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ مِنْهُمْ: وَاللهِ لَحِمَارُ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم أَطْيَبُ رِيحًا مِنْكَ، فَغَضِبَ لِعَبْدِ اللهِ رَجُلٌ مِنْ قَوْمِهِ فَشَتَمَا فَغَضِبَ لِكُلِّ وَاحِدٍ مِنْهُمَا أَصْحَابُهُ، فَكَانَ بَيْنَهُمَا ضَرْبٌ بِالْجَرِيدِ وَالنِّعَالِ وَالْأَيْدِي، فَبَلَغَنَا أَنَّهَا أُنْزِلَتْ. - وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا -.

بَابٌ - لَيْسَ الْكَاذِبُ الَّذِي يُصْلِحُ بَيْنَ النَّاسِ.

٨٥٧ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللهِ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ: أَنَّ حُمَيْدَ ابْنَ عَبْدِ الرَّحْمَنِ أَخْبَرَهُ أَنَّ أُمَّهُ أُمَّ كُلْثُومٍ بِنْتَ عُقْبَةَ أَخْبَرَتْهُ: أَنَّهَا سَمِعَتْ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم يَقُولُ: لَيْسَ الْكَذَّابُ الَّذِي يُصْلِحُ

بَيْنَ النَّاسِ فَيَنْمِي خَيْرًا أَوْ يَقُولُ خَيْرًا .

CHAPTER. The saying of the ruler to his companions, "Let us go to bring about a reconciliation (between people)."

بابُ قَوْلِ الإِمامِ لأَصْحابِهِ : اذْهَبُوا بِنا نُصْلِحُ .

858. Narrated Sahl bin Sa'd : Once the people of Quba' fought with each other till they threw stones on each other. When Allah's Apostle was informed about it, he said, "Let us go to bring about a reconciliation between them."

٨٥٨ ـ حَدَّثَنا مُحَمَّدُ بنُ عَبْدِ اللهِ : حَدَّثَنا عَبْدُ العَزِيزِ بنُ عَبْدِ اللهِ الأُوَيْسِيُّ ، وإِسْحاقُ بنُ مُحَمَّدٍ الفَرْوِيُّ قالا: حَدَّثَنا مُحَمَّدُ بنُ جَعْفَرٍ ، عَنْ أَبِي حازِمٍ ، عَنْ سَهْلِ بنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ : أَنَّ أَهْلَ قُباءٍ اقْتَتَلُوا حَتَّى تَرامَوْا بالحِجارَةِ ؛ فأُخْبِرَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم بِذَلِكَ فَقالَ : اذْهَبُوا بِنا نُصْلِحُ بَيْنَهُمْ .

CHAPTER. The Statement of Allah —: عَزَّ و جَلَّ

> 'Should they (two) reconcile with each other and a reconciliation is best.' (4 : 128)

بابُ قَوْلِ اللهِ عَزَّ و جَلَّ ـ أَنْ يَصَّالَحا بَيْنَهُما صُلْحًا والصُّلْحُ خَيْرٌ ـ .

859. Narrated 'Aisha : The following Verse :—

> 'If a wife fears seperation or in-attention from her husband, i.e. the husband notices something unpleasant about his wife, such as old age or the like, and wants to divorce her, but she asks him to keep her and provide for her as he wishes,
>
> There is no harm if they reconcile on such basis.'

٨٥٩ حَدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ : حَدَّثَنا سُفْيانُ ، عَنْ هِشامِ بنِ عُرْوَةَ ، عَنْ أَبِيهِ ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها ـ وإِنِ امْرَأَةٌ خافَتْ مِنْ بَعْلِها نُشُوزًا أَوْ إِعْراضًا ـ قالَتْ : هُوَ الرَّجُلُ يَرَى مِنِ امْرَأَتِهِ ما لا يُعْجِبُهُ كِبَرًا أَوْ غَيْرَهُ فَيُرِيدُ فِراقَها، فتَقُولُ : أَمْسِكْنِي واقْسِمْ لِي ما شِئْتَ. قالَتْ : ولا بَأْسَ إِذا تَراضَيا .

CHAPTER. If some people are reconciled on illegal basis, their reconciliation is rejected.

بَابٌ ـ إِذَا اصْطَلَحُوا عَلَى صُلْحِ جَوْرٍ فَالصُّلْحُ مَرْدُودٌ .

860. Narrated Abū Huraira and Zaid bin Khālid Al-Juhani رضي الله عنهما : A bedouin came and said, "O Allāh's Apostle ! Judge between us according to Allāh's Laws." His opponent got up and said, "He is right. Judge between us according to Allāh's Laws." The bedouin said, "My son was a labourer working for this man, and he committed illegal sexual intercourse with his wife. The people told me that my son should be stoned to death ; so, in lieu of that I paid a ransom of one-hundred sheep and a slave-girl to save my son. Then I asked the learned scholars who said, 'Your son has to be lashed one-hundred lashes and has to be exiled for one year.'' The Prophet ﷺ said, "No doubt, I will judge between you according to Allāh's Laws. The slave-girl and the sheep are to go back to you, and your son will get a hundred lashes and one year exile." He then addressed somebody, "O Unais ! Go to the wife of this (man) and stone her to death." So, Unais went and stoned her to death.

٨٦٠ ـ حَدَّثَنَا آدَمُ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ: حَدَّثَنَا الزُّهْرِيُّ، عَنْ عُبَيْدِ اللهِ ابْنِ عَبْدِ اللهِ، عَنْ أَبِي هُرَيْرَةَ، وَزَيْدِ ابْنِ خَالِدٍ الْجُهَنِيِّ رَضِيَ اللهُ عَنْهُمَا قَالَا: جَاءَ أَعْرَابِيٌّ فَقَالَ: يَا رَسُولَ اللهِ، اقْضِ بَيْنَنَا بِكِتَابِ اللهِ، فَقَامَ خَصْمُهُ فَقَالَ: صَدَقَ، اقْضِ بَيْنَنَا بِكِتَابِ اللهِ . فَقَالَ الأَعْرَابِيُّ: إِنَّ ابْنِي كَانَ عَسِيفًا عَلَى هَذَا فَزَنَى بِامْرَأَتِهِ: فَقَالُوا لِي: عَلَى ابْنِكَ الرَّجْمُ فَفَدَيْتُ ابْنِي مِنْهُ بِمِائَةٍ مِنَ الْغَنَمِ وَوَلِيدَةٍ، ثُمَّ سَأَلْتُ أَهْلَ الْعِلْمِ فَقَالُوا إِنَّمَا عَلَى ابْنِكَ جَلْدُ مِائَةٍ وَتَغْرِيبُ عَامٍ . فَقَالَ النَّبِيُّ صلى اللهُ عليه وسلَّم: لأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللهِ، أَمَّا الْوَلِيدَةُ وَالْغَنَمُ فَرَدٌّ عَلَيْكَ . وَعَلَى ابْنِكَ جَلْدُ مِائَةٍ وَتَغْرِيبُ عَامٍ . وَأَمَّا أَنْتَ يَا أُنَيْسُ، لِرَجُلٍ، فَاغْدُ عَلَى امْرَأَةِ هَذَا فَارْجُمْهَا، فَغَدَا عَلَيْهَا أُنَيْسٌ فَرَجَمَهَا .

861. Narrated ʿAisha رضي الله عنها : ʿAllāh's Apostle ﷺ said, "If somebody innovates something which is not in harmony with the principles of our religion, that thing is rejected.

٨٦١ ـ حَدَّثَنَا يَعْقُوبُ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ أَبِيهِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: قَالَ رَسُولُ اللهِ صلى اللهُ

عليه وسلَّم: مَنْ أَحْدَثَ فِى أَمْرِنَا هذَا مَا لَيْسَ فِيهِ فَهُوَ رَدٌّ، رَوَاهُ عَبْدُ اللهِ ابْنُ جَعْفَرٍ المَخْرَمِيُّ: وعَبْدُ الوَاحِدِ بْنُ أَبِي عَوْنٍ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ.

CHAPTER. How to write: These are the terms on which so-and-so, the son of so-and-so reconciled with so-and-so, the son of so-and-so, without mentioning the name of the tribe or the family name.

بابٌ - كَيْفَ يُكْتَبُ هذَا مَا صَالَحَ فُلَانُ بْنُ فُلَانٍ فُلَانَ بْنَ فُلَانٍ، وإِنْ لَمْ يَنْسُبْهُ إِلَى قَبِيلَتِهِ أَوْ نَسَبِهِ.

862. Narrated Al-Barā᾽ bin ʿĀzib رضي الله عنه: When Allāh's Apostle ﷺ concluded a peace treaty with the people of Ḥudaibīya, ʿAlī bin Abū Ṭalib رِضْوَانُ اللهِ عَلَيْهِ wrote the document and he mentioned in it, "Muḥammad, Allāh's Apostle ﷺ." The pagans said, "Don't write: 'Muḥammad, Allāh's Apostle', for if you were an apostle we would not fight with you." Allāh's Apostle ﷺ asked Ali to rub it out, but ʿAlī said, "I will not be the person to rub it out." Allāh's Apostle ﷺ rubbed it out and made peace with them on the condition that the Prophet ﷺ and his companions would enter Mecca and stay there for three days, and that they would enter with their weapons in cases.

٨٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ أَبِي إِسْحَاقَ قَالَ: سَمِعْتُ البَرَاءَ بْنَ عَازِبٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: لَمَّا صَالَحَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّمَ أَهْلَ الحُدَيْبِيَةِ كَتَبَ عَلِيُّ بْنُ أَبِي طَالِبٍ رِضْوَانُ اللهِ عَلَيْهِ بَيْنَهُمْ كِتَابًا. فَكَتَبَ مُحَمَّدٌ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم فَقَالَ المُشْرِكُونَ لَا تَكْتُبْ مُحَمَّدٌ رَسُولُ اللهِ، لَوْ كُنْتَ رَسُولًا لَمْ نُقَاتِلْكَ. فَقَالَ لِعَلِيٍّ: امْحُهُ، فَقَالَ عَلِيٌّ: مَا أَنَا بِالَّذِي أَمْحَاهُ، فَمَحَاهُ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم وصَالَحَهُمْ عَلَى أَنْ يَدْخُلَ هُوَ وأَصْحَابُهُ ثَلَاثَةَ أَيَّامٍ، ولا يَدْخُلُوهَا إِلَّا بِجُلُبَّانِ السِّلَاحِ، فَسَأَلُوهُ: مَا جُلُبَّانُ السِّلَاحِ؟ فَقَالَ: القِرَابُ بِمَا فِيهِ.

863. Narrated Al-Barā᾽ رضي الله عنه: When the Prophet ﷺ intended to perform

٨٦٣ - حَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُوسَى، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنِ البَرَاءِ

ʿUmra in the month of Dhul-Qaʿda, the people of Mecca did not let him enter Mecca till he settled the matter with them by promising to stay in it for three days only. When the document of treaty was written, the following was mentioned: 'These are the terms on which Muhammad, Allah's Apostle ﷺ agreed (to make peace).' They said, "We will not agree to this, for if we believed that you are Allah's Apostle we would not prevent you, but you are Muhammad bin ʿAbdullah." The Prophet ﷺ said, "I am Allah's Apostle and also Muhammad bin ʿAbdullah." Then he said to ʿAli, "Rub off (the words) 'Allah's Apostle'", but ʿAli said, "No, by Allah, I will never rub off your name." So, Allah's Apostle ﷺ took the document and wrote (i.e. got it written): 'This is what Muhammad bin ʿAbdullah has agreed upon: No arms will be brought into Mecca except in their cases, and nobody from the people of Mecca will be allowed to go with him (i.e. the Prophet ﷺ) even if he wished to follow him and he (the Prophet ﷺ) will not prevent any of his companions from staying in Mecca if the latter wants to stay.' When the Prophet ﷺ entered Mecca and the time limit passed, the Meccans went to ʿAli and said, "Tell your Friend (i.e. the Prophet ﷺ) to go out, as the period (agreed to) has passed." So, the Prophet ﷺ went out of Mecca. The daughter of Hamza ran after them (i.e. the

رَضِىَ اللهُ عَنْهُ قَالَ: اعْتَمَرَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم فى ذِى القَعْدَةِ فَأَبَى أَهْلُ مَكَّةَ أَنْ يَدَعُوهُ يَدْخُلُ مَكَّةَ، حَتَّى قَاضَاهُمْ عَلَى أَنْ يُقِيمَ بِهَا ثَلاثَةَ أَيَّامٍ. فَلَمَّا كَتَبُوا الكِتَابَ كَتَبُوا: هٰذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم، فَقَالُوا: لانُقِرُّ بِهَا فَلَوْ نَعْلَمُ أَنَّكَ رَسُولُ اللهِ مامَنَعْنَاكَ، ولٰكِنْ أَنْتَ مُحَمَّدُ بنُ عَبْدِ اللهِ. قَالَ: أَنَا رَسُولُ اللهِ، وأَنَا مُحَمَّدُ بنُ عَبْدِ اللهِ، ثُمَّ قَالَ لِعَلِىٍّ: امْحُ رَسُولَ اللهِ قَالَ: لا، واللهِ لا أَمْحُوكَ أَبَدًا. فَأَخَذَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم الكِتَابَ فَكَتَبَ: هٰذَا مَاقَاضَى مُحَمَّدُ بنُ عَبْدِ اللهِ: لا يَدْخُلُ مَكَّةَ سِلاحٌ إلاَّ فى القِرَابِ، وأَنْ لا يَخْرُجَ مِنْ أَهْلِهَا بِأَحَدٍ إِنْ أَرَادَ أَنْ يَتَّبِعَهُ، وأَنْ لا يَمْنَعَ أَحَدًا مِنْ أَصْحَابِهِ أَرَادَ أَنْ يُقِيمَ بِهَا. فَلَمَّا دَخَلَهَا ومَضَى الأَجَلُ أَتَوْا عَلِيًّا فَقَالُوا: قُلْ لِصَاحِبِكَ اخْرُجْ عَنَّا فَقَدْ مَضَى الأَجَلُ، فَخَرَجَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم فَتَبِعَتْهُمْ ابْنَةُ حَمْزَةَ: يَاعَمِّ يَاعَمِّ، فَتَنَاوَلَهَا عَلِىٌّ فَأَخَذَ بِيَدِهَا، وقَالَ لِفَاطِمَةَ: دُونَكِ ابْنَةَ عَمِّكِ احْمِلِيهَا، فَاخْتَصَمَ فِيهَا عَلِىٌّ وزَيْدٌ وجَعْفَرٌ، فَقَالَ عَلِىٌّ: أَنَا أَحَقُّ بِهَا وهِىَ ابْنَةُ عَمِّى. وقَالَ جَعْفَرٌ: ابْنَةُ عَمِّى وخَالَتُهَا تَحْتِى. وقَالَ زَيْدٌ: ابْنَةُ

Prophet ﷺ and his companions), calling, "O Uncle! O Uncle!" ʿAlī received her and led her by the hand and said to Fāṭima, "Take your uncle's daughter." Zaid and Jaʿfar quarrelled about her. ʿAlī said, "I have more right to her as she is my uncle's daughter." Jaʿfar said, "She is my uncle's daughter, and her aunt is my wife." Zaid said, "She is my brother's daughter." The Prophet ﷺ judged that she should be given to her aunt, and said that the aunt was like the mother. He then said to ʿAlī, "You are from me and I am from you", and said to Ja far, "You resemble me both in charactor and appearance", and said to Zaid, "You are our brother (in faith) and our freed slave." (1)

أخِى، فَقَضَى بِهَا النَّبِىُّ صلى اللهُ عليهِ وسلَّم لِخَالَتِهَا، وقالَ: الخَالَةُ بِمَنْزِلَةِ الأُمِّ. وقالَ لِعَلِى: أَنْتَ مِنِّى وأنا مِنْكَ، وقالَ لِجَعْفَرٍ: أَشْبَهْتَ خَلْقِى وَخُلُقِى، وقالَ لِزَيْدٍ: أَنْتَ أَخُونا ومَوْلانا.

CHAPTER. To make peace with pagans.

This chapter includes Abū Sufyān's narration.

Narrated ʿAuf bin Mālik: The Prophet ﷺ said, "There will be a peace treaty between you and Banī Al-Aṣfar (the Byzantines)." Narrated Al-Barāʾ bin ʿAzib رضي الله عنهما: On the day of Ḥudaibiya, the Prophet ﷺ made a peace treaty with the pagans on three conditions:—

(1) The Prophet ﷺ would return

بابُ الصُّلْحِ مَعَ المُشْرِكِينَ.

فِيهِ عَنْ أَبِى سُفْيانَ، وقالَ عَوْفُ بنُ مالِكٍ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم: ثُمَّ تَكُونُ هُدْنَةٌ بَيْنَكُمْ وبَيْنَ بَنِى الأَصْفَرِ. وفِيهِ سَهْلُ بنُ حُنَيْفٍ: لَقَدْ رَأَيْتُنَا يَوْمَ أَبِى جَنْدَلٍ. وأَسْمَاءُ والمِسْوَرُ عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم. وقالَ مُوسَى بنُ مَسْعُودٍ: حَدَّثَنا سُفْيانُ بنُ سَعِيدٍ، عَنْ أَبِى إِسحاقَ، عَنِ البَرَاءِ بنِ عازِبٍ رَضِىَ اللهُ عَنْهُما

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(1) The Prophet ﷺ had established the bond of brotherhood between Zaid, his freed slave, and Ḥamza, the Prophet's uncle. This is why Zaid said, "She is my brother's daughter." The Prophet ﷺ in addressing the three persons claiming the right of taking Ḥamza's daughter, is consoling them by relating them to himself, so that they would not be dissatisfied with his judgement.

to them any person coming from the pagans to him;

(2) the pagans would not return any of the Muslims going to them, and

(3) the Prophet ﷺ and his companions would come to Mecca the following year and would stay there for three days and would enter Mecca with their weapons in cases, e.g., swords, arrows, bows, etc.

Abū Jandal came hopping, his legs being chained, but the Prophet ﷺ returned him to the pagans.

864. Narrated Ibn ʿUmar رضي الله عنهما: Allāh's Apostle ﷺ set out for the ʿUmra but the pagans of Quraish prevented him from reaching the Kaʿba. So, he slaughtered his sacrifice and got his head shaved at Al-Hudaibiya, and agreed with them that he would perform ʿUmra the following year and would not carry weapons except swords and would not stay in Mecca except for the period they allowed. So, the Prophet ﷺ performed the ʿUmra in the following year and entered Mecca according to the treaty, and when he had stayed for three days, the pagans ordered him to depart, and he departed.

865. Narrated Sahl bin Abū Hathma: ʿAbdullāh bin Sahl and Muhaiyisa bin

قالَ: صَالَحَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم المُشْرِكِينَ يَوْمَ الْحُدَيْبِيَةِ عَلَى ثَلاثَةِ أَشْيَاءَ: عَلَى أَنَّ مَنْ أَتَاهُ مِنَ المُشْرِكِينَ رَدَّهُ إِلَيْهِمْ. وَمَنْ أَتَاهُمْ مِنَ المُسْلِمِينَ لَمْ يَرُدُّوهُ. وعَلَى أَنْ يَدْخُلَهَا مِنْ قَابِلٍ وَيُقِيمَ بِهَا ثَلاثَةَ أَيَّامٍ. ولا يَدْخُلَهَا إِلاَّ بِجُلُبَّانِ السِّلاحِ: السَّيْفِ وَالقَوْسِ وَنَحْوِهِ. فَجَاءَ أَبُو جَنْدَلٍ يَحْجُلُ فِي قُيُودِهِ فَرَدَّهُ إِلَيْهِمْ. قالَ أَبُو عَبْدِ اللهِ: لَمْ يَذْكُرْ مُؤَمَّلٌ عَنْ سُفْيَانَ أَبَا جَنْدَلٍ، وقالَ: إِلاَّ بِجُلُبِ السِّلاحِ.

٨٦٤ ـ حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا سُرَيْجُ بْنُ النُّعْمَانِ: حَدَّثَنَا فُلَيْحٌ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم خَرَجَ مُعْتَمِرًا فَحَالَ كُفَّارُ قُرَيْشٍ بَيْنَهُ وَبَيْنَ البَيْتِ فَنَحَرَ هَدْيَهُ وَحَلَقَ رَأْسَهُ بِالْحُدَيْبِيَةِ وَقَاضَاهُمْ عَلَى أَنْ يَعْتَمِرَ العَامَ المُقْبِلَ ولا يَحْمِلَ سِلاحًا عَلَيْهِمْ إِلاَّ سُيُوفًا، ولا يُقِيمَ بِهَا إِلاَّ مَا أَحَبُّوا. فَاعْتَمَرَ مِنَ العَامِ المُقْبِلِ فَدَخَلَهَا كَمَا كَانَ صَالَحَهُمْ، فَلَمَّا أَقَامَ بِهَا ثَلاثًا أَمَرُوهُ أَنْ يَخْرُجَ فَخَرَجَ.

٨٦٥ ـ حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا بِشْرٌ: حَدَّثَنَا يَحْيَى، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ

Mas ud bin Zaid went to Khaibar when it had had a peace treaty(with the Muslims).

CHAPTER. Agreement about Diyya (blood money).

866. Narrated Anas رضي الله عنه : Ar-Rabiʿ, the daughter of An-Nadr broke the tooth of a girl, and the relatives of Ar-Rabiʿ requested the girl's relatives to accept the Irsh (compensation for wounds etc.) and forgive (the offender), but they refused. So, they went to the Prophet ﷺ who ordered them to bring about retaliation. Anas bin An-Nadr asked, " O Allah's Apostle ! Will the tooth of Ar-Rabi be broken ? No, by Him Who has sent you with the Truth, her tooth will not be broken." The Prophet ﷺ said, " O Anas! Allah's Law ordins retaliation." The relatives of the girl felt satisfied and forgave her. The Prophet ﷺ said, " There are some of Allah's worshippers who, if they take an oath by Allah, are responded to by Allah (i.e. their oath is fulfilled). Anas added, " The people became pleased and accepted the Irsh(1)."

CHAPTER. The saying of the to Al-Hasan been ʿAli رضي الله عنه , " This son Prophet ﷺ of mine is Saiyid (a noble) and may Allah make peace between two big groups (of

سَهْلِ بْنِ أَبِي حَثْمَةَ قَالَ: انْطَلَقَ عَبْدُ اللهِ ابْنُ سَهْلٍ وَمُحَيِّصَةُ بْنُ مَسْعُودِ بْنِ زَيْدٍ إِلَى خَيْبَرَ وَهِيَ يَوْمَئِذٍ صُلْحٌ.

بَابُ الصُّلْحِ فِي الدِّيَةِ.

٨٦٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ الأَنْصَارِيُّ قَالَ: حَدَّثَنِي حُمَيْدٌ: أَنَّ أَنَسًا حَدَّثَهُمْ: أَنَّ الرُّبَيِّعَ وَهِيَ ابْنَةُ النَّضْرِ كَسَرَتْ ثَنِيَّةَ جَارِيَةٍ، فَطَلَبُوا الأَرْشَ وَطَلَبُوا الْعَفْوَ فَأَبَوْا، فَأَتَوُا النَّبِيَّ صلى الله عليه وسلم فَأَمَرَهُمْ بِالْقِصَاصِ فَقَالَ أَنَسُ ابْنُ النَّضْرِ: أَتُكْسَرُ ثَنِيَّةُ الرُّبَيِّعِ يَا رَسُولَ اللهِ؟ لَا وَالَّذِي بَعَثَكَ بِالْحَقِّ لَا تُكْسَرُ ثَنِيَّتُهَا. فَقَالَ: يَا أَنَسُ كِتَابُ اللهِ الْقِصَاصُ، فَرَضِيَ الْقَوْمُ وَعَفَوْا فَقَالَ النَّبِيُّ صلى الله عليه وسلم: إِنَّ مِنْ عِبَادِ اللهِ مَنْ لَوْ أَقْسَمَ عَلَى اللهِ لَأَبَرَّهُ. زَادَ الْفَزَارِيُّ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: فَرَضِيَ الْقَوْمُ وَقَبِلُوا الأَرْشَ.

بَابُ قَوْلِ النَّبِيِّ صلى الله عليه وسلم لِلْحَسَنِ بْنِ عَلِيٍّ رَضِيَ اللهُ عَنْهُمَا: إِنَّ ابْنِي هَذَا سَيِّدٌ وَلَعَلَّ اللهَ أَنْ يُصْلِحَ بِهِ بَيْنَ فِئَتَيْنِ عَظِيمَتَيْنِ، وَقَوْلُهُ

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(1) Irsh : Blood Money (i. e. Compensation for wounds etc.).

Muslims) through him." And the Statement of Allāh تعالى :—

'Make peace between them.'

867. Narrated Al-Ḥasan (Al-Baṣrī): By Allāh, Al-Ḥasan bin ʿAlī led large battalions like mountains against Muʿāwiya. ʿAmr bin Al-ʿĀṣ said (to Muʿāwiya), "I surely see battalions which will not turn back before killing their opponents." Muʿāwiya who was really the best of the two men said to him, "O ʿAmr! If these killed those and those killed these, who would be left with me for the jobs of the public, who would be left with me for their women, who would be left with me for their children?" Then Muʿāwiya sent two Quraishī men from the tribe of ʿAbd-i-Shams called ʿAbdur Raḥmān bin Sumura and Abdullah bin ʿAmir bin Kuraiz to Al-Ḥasan saying to them, "Go to this man (i.e. Al-Hasan) and negotiate peace with him and talk and appeal to him." So, they went to Al-Ḥasan and talked and appealed to him to accept peace. Al-Ḥasan said, "We, the offspring of ʿAbdul Muṭṭalib, have got wealth and people have indulged in killing and corruption (and money only will appease them)." They said to Al-Ḥasan, "Muʿāwiya offers you so and so, and appeals to you and entreats you to accept peace." Al-Ḥasan said to them, "But who will be responsible for what you have said?" They said, "We will be responsible for it." So, what-ever Al-Ḥasan asked they said, "We will be responsible for it for

جَلَّ ذِكْرُهُ ـ فأصْلِحُوا بَيْنَهُمَا ـ .

٨٦٧ ـ حدَّثَنا عَبْدُ اللهِ بنُ مُحَمَّدٍ : حدَّثَنا سُفْيانُ عَنْ أبي مُوسَى قالَ : سَمِعْتُ الحَسَنَ يَقول : استقبل واللهِ الحَسَنُ بنُ عَلَيٍّ مُعاوِيَةَ بِكَتائِبَ أمْثال الجبال ، فَقالَ عَمْرُو بنُ العاصِ : إنِّي لأرَى كَتائِبَ لا تُوَلِّي حتَّى تَقْتُلَ أقْرانها . فَقالَ لَهُ مُعاوِيَةُ و كانَ واللهِ خَيْرَ الرَّجُلَيْنِ : أي عَمْرُو ، و إنْ قَتَلَ هؤُلاءِ هؤُلاءِ و هؤُلاءِ هؤُلاءِ : مَنْ لي بِأُمُورِ النَّاسِ ؟ مَنْ لي بِنِسائِهِمْ ؟ مَنْ لي بِضَيْعَتِهِمْ ؟ فَبَعَثَ إلَيْهِ رَجُلَيْنِ مِنْ قُرَيْشٍ مِنْ بَنِي عَبْدِ شَمْسٍ : عَبْدَ الرَّحْمَنِ بنَ سَمُرَةَ ، و عَبْدَ اللهِ ابنَ عامِرِ بنِ كُرَيْزٍ ، فَقالَ : اذْهَبا إلى هذَا الرَّجُلِ فأعْرِضا عَلَيْهِ وقُولا لَهُ و اطْلُبا إلَيْهِ ، فأتَياهُ فَدَخَلا عَلَيْهِ فَتَكَلَّما و قالا لَهُ و طَلَبا إلَيْهِ . فَقالَ لَهُما الحَسَنُ ابنُ عَلَيٍّ : إنَّا بَنُو عَبْدِ المُطَّلِبِ قَدْ أصَبْنا مِنْ هذَا المالِ ، و إنَّ هذهِ الأُمَّةَ قَدْ عاثَتْ في دِمائِها . قالا : فإنَّهُ يَعْرِضُ عَلَيْكَ كَذَا و كَذَا ، و يَطْلُبُ إلَيْكَ و يَسْألُكَ . قالَ فَمَنْ لي بِهذَا ؟ قالا : نَحْنُ لَكَ بِهِ فَما سَألَهُما شَيْئًا إلاَّ قالا : نَحْنُ لَكَ بِهِ ، فَصالَحَهُ فَقالَ الحَسَنُ :

you." So, Al-Ḥasan concluded a peace treaty with Mu'āwiya. Al-Ḥasan (Al-Basrī) said: I heard Abū Bakr saying, "I saw Allāh's Apostle ﷺ on the pulpit and Al-Ḥasan bin 'Alī was by his side. The Prophet ﷺ was looking once at the people and once at Al-Ḥasan bin 'Alī saying, 'This son of mine is a Saiyid (i.e. a noble) and may Allah make peace between two big groups of Muslims through him.' "

وَلَقَدْ سَمِعْتُ أَبَا بَكْرَةَ يَقُولُ: رَأَيْتُ رَسُولَ اللهِ صلى اللهُ عليه وسلَّم عَلَى المِنْبَرِ والحَسَنُ بنُ عَلِيٍّ إلى جَنْبِهِ وهُوَ يُقْبِلُ عَلَى النَّاسِ مَرَّةً وعَلَيْهِ أُخْرَى ويَقُولُ: إنَّ ابْنِي هذا سَيِّدٌ ولَعَلَّ اللهَ أنْ يُصْلِحَ بِهِ بَيْنَ فِئَتَيْنِ عَظِيمَتَيْنِ مِنَ المُسْلِمِينَ. قالَ أبُو عَبْدِ اللهِ: قالَ لي عَلِيُّ بنُ عَبْدِ اللهِ: إنَّما ثَبَتَ لَنا سَماعُ الحَسَنِ مِنْ أبي بَكْرَةَ بِهذا الحَدِيثِ.

CHAPTER. Should the Imam suggest reconciliation?

بابٌ - هَلْ يُشِيرُ الإمامُ بالصُّلْحِ؟

868. Narrated 'Aisha رضي الله عنها: Once Allāh's Apostle ﷺ heard the loud voices of some opponents quarelling at the door. One of them was appealing to the other to deduct his debt and asking him to be lenient but the other was saying, "By Allāh I will not do so." Allāh's Apostle ﷺ went out to them and said, "Who is the one who was swearing by Allāh that he would not do a favour?" That man said, "I am that person, O Allāh's Apostle! I will give my opponent whatever he wishes."

٨٦٨ - حدَّثَنا إسْماعِيلُ بنُ أبي أُوَيْسٍ: قالَ: حدَّثَني أخِي عَنْ سُلَيْمانَ، عَنْ يَحْيَى بنِ سَعِيدٍ، عَنْ أبي الرِّجالِ مُحَمَّدِ بنِ عَبْدِ الرَّحْمٰنِ: أنَّ أُمَّهُ عَمْرَةَ بِنْتَ عَبْدِ الرَّحْمٰنِ قالَتْ: سَمِعْتُ عائِشَةَ رَضِيَ اللهُ عَنْها تَقُولُ: سَمِعَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم صَوْتَ خُصُومٍ بالبابِ عالِيَةً أصْواتُهُمْ، وإذا أحَدُهُما يَسْتَوْضِعُ الآخَرَ ويَسْتَرْفِقُهُ في شَيْءٍ وهُوَ يَقُولُ واللهِ لا أفْعَلُ، فَخَرَجَ عَلَيْهِما رَسُولُ اللهِ صلى اللهُ عليه وسلَّم فقالَ: أيْنَ المُتَأَلِّي عَلَى اللهِ لا يَفْعَلُ المَعْرُوفَ؟ فقالَ: أنا يا رَسُولَ اللهِ فَلَهُ أيُّ ذلِكَ أحَبَّ.

869. Narrated ʿAbdullāh bin Kaʿb bin Mālik from Kaʿb bin Mālik: ʿAbdullāh bin Abu Ḥadrad Al-Aslamī owed Kaʿb bin Mālik some money. One day the latter met the former and demanded his right, and their voices grew very loud. The Prophet ﷺ passed by them and said, "O Kaʿb," beckoning with his hand as if intending to say, "Deduct half the debts." So, Kaʿb took half what the other owed him and remitted the other half.

٨٦٩ ـ حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنِ الأَعْرَجِ قَالَ: حَدَّثَنِي عَبْدُ اللهِ بْنُ كَعْبِ بْنِ مَالِكٍ، عَنْ كَعْبِ بْنِ مَالِكٍ أَنَّهُ كَانَ لَهُ عَلَى عَبْدِ اللهِ بْنِ أَبِي حَدْرَدٍ الأَسْلَمِيِّ مَالٌ، فَلَقِيَهُ فَلَزِمَهُ حَتَّى ارْتَفَعَتْ أَصْوَاتُهُمَا، فَمَرَّ بِهِمَا النَّبِيُّ صلى اللهُ عليه وسلَّم فَقَالَ: يَا كَعْبُ، فَأَشَارَ بِيَدِهِ كَأَنَّهُ يَقُولُ النِّصْفَ، فَأَخَذَ نِصْفَ مَالِهِ عَلَيْهِ وَتَرَكَ نِصْفًا.

CHAPTER. The superiority of making peace and establishing justice among the people.

بَابُ فَضْلِ الإِصْلاَحِ بَيْنَ النَّاسِ وَالْعَدْلِ بَيْنَهُمْ.

870. Narrated Abū Huraira رضي الله عنه: Allāh's Apostle ﷺ said, "There is a Ṣadaqa to be given for every joint of the human body; and for every day on which the sun rises there is a reward of a Ṣadaqa (i.e. charitable gift) for the one who establishes justice among people."(1)

٨٧٠ ـ حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَّامٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم: كُلُّ سُلاَمَى مِنَ النَّاسِ عَلَيْهِ صَدَقَةٌ، كُلَّ يَوْمٍ تَطْلُعُ فِيهِ الشَّمْسُ يَعْدِلُ بَيْنَ النَّاسِ صَدَقَةٌ.

CHAPTER. If the Imām (i.e. ruler) suggests a reconciliation but the defendant

بَابٌ ـ إِذَا أَشَارَ الإِمَامُ بِالصُّلْحِ فَأَبَى حَكَمَ عَلَيْهِ بِالْحُكْمِ الْبَيِّنِ.

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(1) One is supposed to thank Allāh for the many favours Allah has bestowed upon one; one of these numberless favours is the miraculous creation of the three hundred and sixty joints of man's body. Allāh rewards those who bring about peace among people with their justice, and such good deeds compensate for the Ṣadaqāt which one should pay as a sign of gratitude to Allāh.

refuses it, he is to be judged by the evident valid law.

871. Narrated ʿUrwa bin Az-Zubair ؓ : Az-Zubair told me that he quarelled with an Ansāri man who had participated in (the battle of) Badr in front of Allāh's Apostle ﷺ about a water stream which both of them used for irrigation. Allāh's Apostle ﷺ said to Az-Zubair, "O Zubair! Irrigate (your garden) first, and then let the water flow to your neighbour." The Ansāri became angry and said, "O Allāh's Apostle! Is it because he is your cousin?" On that the complexion of Allāh's Apostle ﷺ changed (because of anger) and said (to Az-Zubair), "Irrigate (your garden) and then with-hold the water till it reaches the walls (surrounding the palms)." So, Allāh's Apostle ﷺ gave Az-Zubair his full right. Before that Allāh's Apostle ﷺ had given a generous judgement beneficial for Az-Zubair and the Ansāri, but when the Ansāri irritated Allāh's Apostle ﷺ he gave Az-Zubair his full right according to the evident law. Az-Zubair said, "By Allah! I think the following Verse was revealed concering that case:—

> 'But no by your Lord
> They can have
> No (real) faith
> Until they make you judge
> In all disputes between them.'
> (4 : 65)

٨٧١ - حَدَّثَنا أبُو اليمانِ : أخْبَرَنا
شُعَيْبٌ ، عَنِ الزُّهْرِىِّ قالَ : أخْبَرَنِى
عُرْوَةُ بنُ الزُّبَيْرِ : أنَّ الزُّبَيْرَ كانَ
يُحَدِّثُ أنَّهُ خاصَمَ رَجُلاً مِنَ الأنْصارِ
قَدْ شَهِدَ بَدْرًا إلى رَسُولِ اللهِ صلى اللهُ
عليهِ وسلَّم فى شِراجٍ مِنَ الحَرَّةِ كانَ
يَسْقِيانِ بِهِ كِلاهُما . فَقالَ رَسُولُ اللهِ
صلى اللهُ عليهِ وسلَّم للزُّبَيْرِ : اسْقِ يا زُبَيْرُ
ثُمَّ أرْسِلْ إلى جارِكَ ، فَغَضِبَ الأنْصارِىُّ ،
فَقالَ : يا رَسُولَ اللهِ أنْ كانَ ابنَ عَمَّتِكَ ؟
فَتَلَوَّنَ وَجْهُ رَسُولِ اللهِ صلى اللهُ عليهِ
وسلَّم ثُمَّ قالَ : اسْقِ ثُمَّ احْبِسْ حَتَّى
يَبْلُغَ الجَدْرَ ، فاسْتَوْعَى رَسُولُ اللهِ
صلى اللهُ عليهِ وسلَّم حِينَئِذٍ حَقَّهُ للزُّبَيْرِ ،
وكانَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم قَبْلَ
ذَلِكَ أشارَ عَلَى الزُّبَيْرِ بِرَأْىٍ سَعَةٍ لَهُ
ولِلأنْصارِىِّ ، فَلَمَّا أحْفَظَ الأنْصارِىُّ
رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم اسْتَوْعَى
لِلزُّبَيْرِ حَقَّهُ فى صَرِيحِ الحُكْمِ . قالَ
عُرْوَةُ : قالَ الزُّبَيْرُ : واللهِ ما أحْسِبُ
هذهِ الآيَةَ نَزَلَتْ إلاَّ فى ذَلِكَ - فَلا
وَرَبِّكَ لا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيما
شَجَرَ بَيْنَهُمْ - الآيَةَ .

CHAPTER. Reconciliation between the creditors and between the inheritors and the repayment of debts by giving an amount that is not specified or counted.

Ibn ʿAbbās said, "There is no harm if two partners agree that one of them takes the debts and the other takes the assets, but if the property of any of them is ruined the loser has no right to claim it from the other partner."

بَابُ الصُّلْحِ بَيْنَ الغُرَمَاءِ وَأَصْحَابِ المِيرَاثِ وَالمُجَازَفَةِ فِي ذَلِكَ. وَقَالَ ابْنُ عَبَّاسٍ: لَا بَأْسَ أَنْ يَتَخَارَجَ الشَّرِيكَانِ، فَيَأْخُذَ هَذَا عَيْنًا، فَإِنْ تَوِيَ لِأَحَدِهِمَا، لَمْ يَرْجِعْ عَلَى صَاحِبِهِ.

872. Narrated Jābir bin ʿAbdullāh ؓ: My father died and was in debt. I suggested that his creditors take the fruits (i.e. dates) of my garden in lieu of the debt of my father, but they refused the offer, as they thought that it would not cover the full debt. So, I went to the Prophet ﷺ and told him about it. He said (to me), "When you pluck the dates and collect them in the Mirbad (i.e. a place where dates are dried), call me (Allāh's Apostle ﷺ)." Finally he came accompanied by Abū Bakr and ʿUmar and sat on the dates and invoked Allāh to bless them. Then he said, "Call your creditors and give them their full rights." So, I paid all my father's creditors in full and yet thirteen extra Wasqs of dates remained, seven of which were ʿAjwa and six were Laun or six of which were Ajwa and seven were Laun. I met Allāh's Apostle ﷺ at sunset and informed him about it. On that he smiled and said, "Go to Abū Bakr and ʿUmar and tell them about

٨٧٢ - حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الوَهَّابِ: حَدَّثَنَا عُبَيْدُ اللهِ، عَنْ وَهْبِ بْنِ كَيْسَانَ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا قَالَ: تُوُفِّيَ أَبِي وَعَلَيْهِ دَيْنٌ، فَعَرَضْتُ عَلَى غُرَمَائِهِ أَنْ يَأْخُذُوا التَّمْرَ بِمَا عَلَيْهِ فَأَبَوْا، وَلَمْ يَرَوْا أَنَّ فِيهِ وَفَاءً. فَأَتَيْتُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم فَذَكَرْتُ ذَلِكَ لَهُ فَقَالَ: إِذَا جَدَدْتَهُ فَوَضَعْتَهُ فِي المِرْبَدِ آذَنْتَ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فَجَاءَ وَمَعَهُ أَبُو بَكْرٍ وَعُمَرُ فَجَلَسَ عَلَيْهِ وَدَعَا بِالبَرَكَةِ، ثُمَّ قَالَ: ادْعُ غُرَمَاءَكَ فَأَوْفِهِمْ. فَمَا تَرَكْتُ أَحَدًا لَهُ عَلَى أَبِي دَيْنٌ إِلَّا قَضَيْتُهُ وَفَضَلَ ثَلَاثَةَ عَشَرَ وَسْقًا، سَبْعَةٌ عَجْوَةٌ وَسِتَّةٌ لَوْنٌ، أَوْ سِتَّةٌ عَجْوَةٌ وَسَبْعَةٌ لَوْنٌ، فَوَافَيْتُ مَعَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم المَغْرِبَ فَذَكَرْتُ ذَلِكَ لَهُ فَضَحِكَ، فَقَالَ: ائْتِ أَبَا بَكْرٍ وَعُمَرَ فَأَخْبِرْهُمَا، فَقَالَا:

it." They said, "We perceived that that was going to happen, as Allāh's Apostle ﷺ did what he did."

لَقَدْ عَلِمْنَا إِذْ صَنَعَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم ما صَنَعَ أَنْ سَيَكُونَ ذَلِكَ ، وقالَ هِشَامٌ ، عَنْ وَهْبٍ ، عَنْ جابِرٍ : صَلَاةَ العَصْرِ ولمْ يَذْكُرْ أَبَا بَكْرٍ ولا ضَحِكَ ، وقالَ : وتَرَكَ أَبِي عَلَيْهِ ثَلَاثِينَ وِسْقًا دَيْنًا . وقالَ ابنُ إِسحاقَ ، عَنْ وَهْبٍ ، عَنْ جابِرٍ : صَلَاةَ الظُّهْرِ .

CHAPTER. Bringing about reconciliation in case of dispute concerning debts.

بابُ الصُّلْحِ بالدَّيْنِ والعَيْنِ .

873. Narrated ʿAbdullāh bin Kaʿb that Kaʿb bin Mālik told him that in the life-time of Allāh's Apostle ﷺ he demanded his debt from Ibn Abū Ḥadrad in the Mosque. Their voices grew louder till Allāh's Apostle ﷺ heard them while he was in his house. So he lifted the curtain of his room and called Kaʿb bin Mālik saying, "O Kaʿb!" He replied, "I am present, O Allāh's Apostle!" He beckoned to him with his hand suggesting that he deduct half the debt. Kaʿb said, "I agree, O Allāh's Apostle!" Allāh's Apostle ﷺ then said (to Ibn Abū Ḥadrad), "Get up and pay him the rest."

٣٧٨ ـ حدَّثَنَا عَبْدُ اللهِ بنُ مُحَمَّدٍ : حدَّثنا عُثمانُ بنُ عُمَرَ : أَخْبَرَنا يُونُسُ ، وقالَ اللَّيْثُ : حدَّثَنِي يُونُسُ ، عَنِ ابنِ شِهابٍ : أَخْبَرَنِي عَبْدُ اللهِ بنُ كَعْبٍ أَنَّ كَعْبَ بنَ مالِكٍ أَخْبَرَهُ أَنَّهُ تَقَاضَى ابنَ أَبِي حَدْرَدٍ دَيْنًا كانَ لَهُ عَلَيْهِ فِي عَهْدِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم في المَسْجِدِ ، فارْتَفَعَتْ أَصْوَاتُهُما حَتَّى سَمِعَهَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم وهُوَ فِي بَيْتِهِ فَخَرَجَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم إِلَيْهِما حَتَّى كَشَفَ سِجْفَ حُجْرَتِهِ فَنادَى كَعْبَ بنَ مالِكٍ فقالَ : يا كَعْبُ ، فقالَ : لَبَّيْكَ يا رَسُولَ اللهِ ، فَأَشارَ بِيَدِهِ أَنْ ضَعِ الشَّطْرَ ، فقالَ كَعْبٌ : قَدْ فَعَلْتُ يا رَسُولَ اللهِ ، فقالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : قُمْ فاقْضِهِ .

In the name of Allāh,
the most Beneficent, the most Merciful

THE BOOK OF CONDITIONS

CHAPTER. The conditions permissible on embracing Islām, (1) and in contracts and transactions.

874. Narrated Marwān and al-Miswar bin Makhrama رضي الله عنهما from the companions of Allāh's Apostle ﷺ : When Suhail bin ʿAmr agreed to the Treaty (of Hudaibiya), one of the things he stipulated then, was that the Prophet ﷺ should return to them (i. e. the pagans) anyone coming to him from their side, even if he was a Muslim ; and would not interfere between them and that person. The Muslims did not like this condition and got disgusted with it. Suhail did not agree except with that condition. So, the Prophet ﷺ agreed to that condition and returned Abū Jandal to his father Suhail bin ʿAmr. Thenceforward the Prophet ﷺ returned everyone in that period (of truce) even if he was a Muslim. During that

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

كتاب الشروط

باب ما يَجُوزُ مِنَ الشُّرُوطِ فى الإِسْلامِ والأَحْكامِ والمُبايَعَةِ

٨٧٤ ـ حدَّثَنَا يَحْيَى بنُ بُكَيْرٍ : حدَّثَنَا اللَّيْثُ ، عَنْ عُقَيْلٍ ، عَنِ ابنِ شِهابٍ قالَ : أخْبَرَنى عُرْوَةُ بنُ الزُّبَيْرِ : أنَّهُ سَمِعَ مَرْوَانَ والمِسْوَرَ بنَ مَخْرَمَةَ رَضِىَ اللهُ عَنْهُما يُخْبِرانِ عَنْ أصْحابِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم قالَ : لَمَّا كاتَبَ سُهَيْلُ بنُ عَمْرٍو يَوْمَئِذٍ كانَ فيما اشْتَرَطَ سُهَيْلُ بنُ عَمْرٍو علَى النَّبِىِّ صلى اللهُ عليهِ وسلَّم أنَّهُ لا يأتِيكَ مِنَّا أحَدٌ وإنْ كانَ علَى دِينِكَ إلاَّ رَدَدْتَهُ إلَيْنا وخَلَّيْتَ بَيْنَنا وبَيْنَهُ . فكَرِهَ المُؤْمِنُونَ ذَلكَ وامْتَعَضُوا مِنْهُ ، وأبَى سُهَيْلٌ إلاَّ ذَلكَ فكاتَبَهُ النَّبِىُّ صلى اللهُ عليهِ وسلَّم علَى ذَلكَ فرَدَّ يَوْمَئِذٍ أبا جَنْدَلٍ إلى

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(1) Some conditions are permissible, others are not ; for example, a non-Muslim on embracing Islām has the right to stipulate that he shall not be ordered to move from one country to another, but he cannot stipulate that he may not perform the prayers. (Fath-al-Bāri : Vol. 6 ; page 240)

period some believing women emigrants including Um Kalthūm bint ʿUqba bin Abū Muaʿit who came to Allāh's Apostle ﷺ and she was a young lady then. Her relatives came to the Prophet ﷺ and asked him to return her, but the Prophet ﷺ did not return her to them for Allāh had revealed the following Verse regarding women :—

> ' If the believing women emigrants
> come to you,
> Test them, Allāh knows best as to
> their belief.
> And if you are certain of their
> belief,
> Do not return them to the unbelievers, (for).
> They are not lawful (wives) for
> them,
> Nor are the unbelievers lawful
> (husbands).' (60 : 10)

Narrated ʿUrwa : ʿAisha told me, " Allāh's Apostle ﷺ used to test them according to this Verse :—

> ' O you who believe ! If believing
> women emigrants come to you,
> test them..............................for
> Allāh is Oft-Forgiving, Most
> Merciful.' " (60 : 10-12)

ʿAisha said, " When any of them agreed to that condition (1) Allāh's Apostle ﷺ

أَبِيهِ سُهَيْلِ بنِ عَمْرٍو ، ولَمْ يَأْتِهِ أَحَدٌ مِنَ الرِّجالِ إلاَّ رَدَّهُ فى تِلْكَ المُدَّةِ وإنْ كانَ مُسْلِماً. وجاءَ المُؤْمِناتُ مُهاجِراتٍ وكانَتْ أُمُّ كُلْثُومٍ بِنْتُ عُقْبَةَ ابنِ أبي مُعَيط مِمَّنْ خَرَجَ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم يَوْمَئِذٍ وهِىَ عاتِقٌ ، فجاءَ أَهْلُها يَسْأَلُونَ النَّبِىَّ صلى اللهُ عليهِ وسلَّم أنْ يَرْجِعَها إلَيْهِمْ فَلَمْ يَرْجِعْها إلَيْهِمْ لِما أَنْزَلَ اللهُ فِيهِنَّ - إذَا جاءَكُمُ المُؤْمِناتُ مُهاجِراتٍ فامْتَحِنُوهُنَّ اللهُ أَعْلَمُ بإيمانِهِنَّ - إلى قَوْلِهِ - ولا هُمْ يَحِلُّونَ لَهُنَّ - قالَ عُرْوَةُ : فأَخْبَرَتْنى عائِشَةُ أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم كانَ يَمْتَحِنُهُنَّ بِهَذِهِ الآيَةِ - يا أيُّها الذِينَ آمَنُوا إذَا جاءَكُمُ المُؤْمِناتُ مُهاجِراتٍ فامْتَحِنُوهُنَّ - إلى - غَفُورٌ رَحِيمٌ - قالَ عُرْوَةُ : قالَتْ عائِشَةُ : فَمَنْ أَقَرَّ بِهذَا الشَّرْطِ مِنْهُنَّ قالَ لَها رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم : قَدْ بايَعْتُكِ ، كَلاماً يُكَلِّمُها بِهِ ، واللهِ ما مَسَّتْ يَدُهُ يَدَ امْرَأةٍ قَطُّ فى المُبايَعَةِ وما بايَعَهُنَّ إلاَّ بقَوْلِهِ .

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(1) The condition mentioned in the Verse, i. e. that they will not worship other than Allāh, will not steal, will not commit illegal sexual intercourse, will not kill their children, will not slander others, and will not disobey the Prophet ﷺ in just matters.

would say to her, 'I have accepted your solemn pledge.' He would only say that, but, by Allāh he never touched the hand of any woman (i. e. never shook hands with them) in taking the solemn pledge, and he never received their pledge by his words."

875. Narrated Jarīr رضي الله عنه : When I gave the solemn pledge to Allāh's Apostle ﷺ he stipulated that I should give good advice to every Muslim.

٨٧٥ - حَدَّثَنَا أَبُو نُعَيْمٍ : حَدَّثَنَا سُفْيَانُ ، عَنْ زِيَادِ بْنِ عِلَاقَةَ قَالَ : سَمِعْتُ جَرِيرًا رَضِيَ اللَّهُ عَنْهُ يَقُولُ : بَايَعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلَّم فَاشْتَرَطَ عَلَيَّ : وَالنُّصْحِ لِكُلِّ مُسْلِمٍ .

876. Narrated Jābir bin ʿAbdullāh رضي الله عنهما : I gave the solemn pledge to Allāh's Apostle ﷺ for establishing the prayers[1] paying the Zakāt and giving good advice to every Muslim.

٨٧٦ - حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا يَحْيَى ، عَنْ إِسْمَاعِيلَ قَالَ : حَدَّثَنِي قَيْسُ ابْنُ أَبِي حَازِمٍ ، عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ : بَايَعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلَّم عَلَى إِقَامِ الصَّلَاةِ وَإِيتَاءِ الزَّكَاةِ وَالنُّصْحِ لِكُلِّ مُسْلِمٍ .

CHAPTER. (What is said regarding) the sale of pollinated date palms.

بَابٌ - إِذَا بَاعَ نَخْلًا قَدْ أُبِّرَتْ .

877. Narrated ʿAbdullāh bin ʿUmar رضي الله عنهما : Allāh's Apostle ﷺ said, "If someone sells pollinated date-palms, their fruits will be for the seller, unless the buyer stipulates the contrary."

٨٧٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكٌ ، عَنْ نَافِعٍ ، عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا : أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلَّم قَالَ : مَنْ بَاعَ نَخْلًا قَدْ أُبِّرَتْ فَثَمَرَتُهَا لِلْبَائِعِ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ .

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(1) See the glossary for Iqamat-as-Salat.

CHAPTER. The conditions of selling.

878. Narrated ʿUrwa : ʿĀisha رضي الله عنها told me that Buraira came to seek her help in writing for emancipation and at that time she head not paid any part of her price. ʿĀisha said to her, "Go to your masters and if they agree that I will pay your price (and free you) on condition that your Walā will be for me, I will pay the money." Buraira told her masters about that, but they refused, and said, "If ʿĀisha wants to do a favour she could, but your Walā will be for us."

ʿĀisha informed Allāh's Apostle ﷺ of that and he said to her, "Buy and manumit Buraira as the Walā will go to the manumitter."

CHAPTER. It is permissible for the seller to stipulate that he should ride the (sold) animal upto a certain place.

879. Narrated Jābir رضي الله عنه : While I was riding a camel which was tired the Prophet ﷺ passed by and beat it and prayed for Allāh's Blessings for it. The camel started moving so fast as he never moved before. The Prophet ﷺ then said, "Sell it to me for one Uqīyya (of gold)." I said, "No." He again said, "Sell it to me for one Uqīyya (of gold)." I sold

بابُ الشُّرُوطِ فى البَيْعِ.

٨٧٨ - حدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ. أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها أخْبَرَتْهُ أنَّ بَرِيرَةَ جاءَتْ عائِشَةَ تَسْتَعِينُها فى كِتابَتِها. ولَمْ تَكُنْ قَضَتْ مِنْ كِتابَتِها شَيْئًا، قالَتْ لها عائِشَةُ: ارْجِعِى إلى أهْلِكِ فإنْ أحَبُّوا أنْ أقْضِىَ عَنْكِ كِتابَتَكِ ويَكُونَ وَلاؤُكِ لى فَعَلْتُ، فَذَكَرَتْ ذَلكَ بَرِيرَةُ إلى أهْلِها فأبَوْا. و قالُوا إنْ شاءَتْ أنْ تَحْتَسِبَ عَلَيْكِ فَلْتَفْعَلْ يَكُونَ لَنا ولاؤُكِ. فَذَكَرَتْ ذَلكَ لِرَسُولِ اللهِ صلى اللهُ عليه وسلَّم فَقالَ لهَا: ابْتاعِى فأعْتِقِى فإنَّما الوَلاءُ لِمَنْ أعْتَقَ.

بابٌ - إذا اشْتَرَطَ البائِعُ ظَهْرَ الدَّابَّةِ إلى مَكانٍ مُسَمًّى جازَ.

٨٧٩ - حدَّثَنا أبُو نُعَيمٍ: حدَّثَنا زَكَرِيَّا قالَ: سَمِعْتُ عامِرًا يَقُولُ: حدَّثَنى جابِرٌ رَضِىَ اللهُ عَنْهُ: أنَّهُ كانَ يَسِيرُ عَلى جَمَلٍ لَهُ قَدْ أعْيا فمَرَّ النَّبِىُّ صلى اللهُ عليه وسلَّم فَضَرَبَهُ فَدَعا لَهُ فَسارَ بِسَيْرٍ لَيْسَ يَسِيرُ مِثْلَهُ. ثُمَّ قالَ: بِعْنِيهِ بِوَقِيَّةٍ، قُلْتُ: لا، ثُمَّ قالَ: بِعْنِيهِ بِوَقِيَّةٍ فَبِعْتُهُ فاسْتَثْنَيْتُ حُمْلانَهُ إلى أهْلى. فَلَمَّا قَدِمْنا أتَيْتُهُ بالجَمَلِ ونَقَدَنى

it and stipulated that I should ride it to my house. When we reached (Medina) I took that camel to the Prophet ﷺ and he gave me its price. I returned home but he sent for me (and when I went to him) he said, "I will not take your camel. Take your camel as a gift for you."

(Various narrations are mentioned here with slight variations in expressions relating the condition that Jabīr had the right to ride the sold camel up to Medina).

ثَمَنَهُ ثُمَّ انْصَرَفْتُ فَأَرْسَلَ عَلَى إِثْرِي قَالَ: مَا كُنْتُ لآخُذَ جَمَلَكَ فَخُذْ جَمَلَكَ ذَلِكَ فَهُوَ مَالُكَ. وَقَالَ شُعْبَةُ، عَنْ مُغِيرَةَ عَنْ عَامِرٍ عَنْ جَابِرٍ: أَفْقَرَنِي رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم ظَهْرَهُ إِلَى الْمَدِينَةِ. وَقَالَ إِسْحَاقُ عَنْ جَرِيرٍ، عَنْ مُغِيرَةَ: فَبِعْتُهُ عَلَى أَنَّ لِي فَقَارَ ظَهْرِهِ حَتَّى أَبْلُغَ الْمَدِينَةَ. وَ قَالَ عَطَاءٌ وَ غَيْرُهُ: وَلَكَ ظَهْرُهُ إِلَى الْمَدِينَةِ. وَ قَالَ مُحَمَّدُ بْنُ الْمُنْكَدِرِ، عَنْ جَابِرٍ، شَرَطَ ظَهْرَهُ إِلَى الْمَدِينَةِ. وَ قَالَ زَيْدُ ابْنُ أَسْلَمَ، عَنْ جَابِرٍ: وَلَكَ ظَهْرُهُ حَتَّى تَرْجِعَ. وَ قَالَ أَبُو الزُّبَيْرِ، عَنْ جَابِرٍ: أَفْقَرْنَاكَ ظَهْرَهُ إِلَى الْمَدِينَةِ. وَ قَالَ الأَعْمَشُ، عَنْ سَالِمٍ، عَنْ جَابِرٍ: تَبَلَّغْ عَلَيْهِ إِلَى أَهْلِكَ. قَالَ أَبُو عَبْدِ اللهِ: الاشْتِرَاطُ أَكْثَرُ وَ أَصَحُّ عِنْدِي. وَ قَالَ عُبَيْدُ اللهِ وَ ابْنُ إِسْحَاقَ، عَنْ وَهْبٍ، عَنْ جَابِرٍ: اشْتَرَاهُ النَّبِيُّ صلى اللهُ عليهِ وسلَّم بِأُوقِيَّةٍ. وَ تَابَعَهُ زَيْدُ بْنُ أَسْلَمَ، عَنْ جَابِرٍ. وَقَالَ ابْنُ جُرَيْجٍ، عَنْ عَطَاءٍ وَ غَيْرِهِ، عَنْ جَابِرٍ: أَخَذْتُهُ بِأَرْبَعَةِ دَنَانِيرَ، وَ هَذَا يَكُونُ أُوقِيَّةً عَلَى حِسَابِ الدِّينَارِ بِعَشَرَةِ دَرَاهِمَ. وَلَمْ يُبَيِّنِ الثَّمَنَ مُغِيرَةُ عَنِ الشَّعْبِيِّ عَنْ جَابِرٍ، وَ ابْنُ الْمُنْكَدِرِ وَ أَبُو الزُّبَيْرِ عَنْ جَابِرٍ، وَ قَالَ الأَعْمَشُ، عَنْ سَالِمٍ، عَنْ جَابِرٍ:

أوقِيَّةُ ذَهَبٍ. و قَالَ أبُو إسحَاقَ، عَنْ سالِمٍ، عَنْ جابِرٍ: بِمِائَتَىْ دِرْهَمٍ. و قالَ داوُدُ بنُ قَيْسٍ، عَنْ عُبَيْدِ اللهِ بنِ مُقْسَمٍ، عَنْ جابِرٍ: اشْتَرَاهُ بِطَرِيقِ تَبُوكَ، أحْسِبُهُ قالَ بأرْبَعِ أوَاقٍ. و قالَ أبُو نَضْرَةَ: عَنْ جابِرٍ: اشْتَرَاهُ بِعِشْرِينَ دِينارًا. و قَوْلُ الشَّعْبِىِّ بأوقِيَّةٍ أكْثَرُ. الاشْتِرَاطُ أكْثَرُ و أصَحُّ عِنْدِى، قالَهُ أبُو عَبْدِ اللهِ.

CHAPTER. Conditions in contracts (of share-cropping etc.).

بابُ الشُّرُوطِ فى المُعَامَلَةِ.

880. Narrated Abū Huraira ؓ: The Anṣār said to the Prophet ﷺ, "Divide our date-palms between us and our emigrant brothers." The Prophet ﷺ said, "No." The Anṣār said to the emigrants, "You may do the labour (in our gardens) and we will share the fruits with you." The emigrants said, "We hear and obey."

٨٨٠ ـ حدَّثَنا أبُو اليَمَانِ: أخْبَرَنا شُعَيْبٌ: حدَّثَنا أبُو الزِّنادِ، عَنِ الأعْرَجِ، عَنْ أبى هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ قالَ: قالَتِ الأنْصَارُ للنَّبِىِّ صلى اللهُ عليهِ وسلَّمَ: اقْسِمْ بَيْنَنَا و بَيْنَ إخْوَانِنا النَّخِيلَ قالَ: لا، فقالَ الأنْصَارُ: تَكْفُونَنا المَئُونَةَ و نُشْرِكُكُمْ فى الثَّمَرَةِ، قالُوا: سَمِعْنَا و أطَعْنَا.

881. Narrated ʿAbdullāh bin ʿUmar ؓ: Allah's Apostle ﷺ gave the land of Khaibar to the Jews on the condition that they would work on it and cultivate it and they would get half of its yield.

٨٨١ ـ حدَّثَنا مُوسَى بنُ إسمَاعِيلَ: حدَّثَنا جُوَيْرِيَةُ بنُ أسمَاءَ، عَنْ نافِعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِىَ اللهُ عَنْهُ قالَ: أعْطَى رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ خَيْبَرَ اليَهُودَ أنْ يَعْمَلُوها و يَزْرَعُوها ولَهُمْ شَطْرُ ما يَخْرُجُ مِنْها.

CHAPTER. The terms and the conditions of Mahr at the time of the marriage contract.

ʿUmar said, "The rights are limited by the conditions and you will get only what you stipulate."

Narrated Al-Miswar, "I heard the Prophet ﷺ once mentioning a son-in-law of his and praising him highly as a sincere son-in-law. He said, 'What he told proved true and he promised me and fulfilled his promise.' "

بابُ الشُّرُوطِ فى المَهْرِ عِنْدَ عُقْدَةِ النِّكاحِ. وقالَ عُمَرُ: إنَّ مَقاطِعَ الحقُوقِ عِنْدَ الشُّرُوطِ، ولكَ ما شَرَطْتَ. وقالَ المِسْوَرُ: سَمِعْتُ النَّبِىَّ صلى اللهُ عليهِ وسلَّم ذَكَرَ صِهْرًا لَهُ فأثْنى عليْهِ فى مُصاهَرَتِهِ فأحْسَنَ، قالَ: حدَّثَنى فَصَدَقَنى، ووَعَدَنى فَوَفى لى.

882. Narrated ʿUqba bin ʿAmir رضي الله عنه : Allāh's Apostle ﷺ said, "From among all the conditions you have to fulfil, the conditions which make it legal for you to have sexual relations (i. e. the marriage contract) have the greatest right to be fulfilled."

٨٨٢ ـ حدَّثَنا عبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ قالَ: حدَّثَنى يَزِيدُ بنُ أبى حَبِيبٍ، عَنْ أبى الخيرِ، عَنْ عُقْبَةَ بنِ عامِرٍ رَضِىَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: أحَقُّ الشُّرُوطِ أنْ تُوفُوا بهِ ما اسْتَحْلَلْتُمْ بهِ الفُرُوجَ.

CHAPTER. The conditions in share-cropping.

بابُ الشُّرُوطِ فى المُزارَعَةِ.

883. Narrated Rafiʿ bin Khadij رضي الله عنه : We used to work on the fields more than the other Ansar, and we used to rent the land (for the yield of a specific portion of it). But sometimes that portion or the rest of the land did not give any yield, so we were forbiden (by the Prophet ﷺ) to follow such a system, but we were allowed to rent the land for money.

٨٨٣ ـ حدَّثَنا مالكُ بنُ إسماعِيلَ: حدَّثَنا ابنُ عُيَيْنَةَ: حدَّثَنا يَحْيى بنُ سَعِيدٍ قالَ: سَمِعْتُ حَنْظَلَةَ الزُّرَقِىَّ قالَ: سَمِعْتُ رافِعَ بنَ خَدِيجٍ رَضِىَ اللهُ عَنْهُ يَقُولُ: كُنَّا أكْثَرَ الأنْصارِ حَقْلاً فَكُنَّا نُكْرِى الأرْضَ، فرُبَّما أخْرَجَتْ هذِهِ ولَمْ تُخْرِجْ ذِهِ فَنُهِينا عَنْ ذَلكَ ولَمْ نُنْهَ عَنِ الوَرِقِ.

CHAPTER. The conditions which are not permissible in the contracts of marriage.

بَابُ مالا يَجُوزُ مِنَ الشُّرُوطِ فِى النِّكاحِ .

884. Narrated Abu Huraira ؓ : The Prophet ﷺ said, "No town-dweller should sell for a bedouin. Do not practise Najsh (i. e. Do not offer a high price for a thing which you do not want to buy, in order to deceive the people). No Muslim should offer more for a thing already bought by his Muslim brother, nor should he demand the hand of a girl already engaged to another Muslim. A Muslim woman shall not try to bring about the divorce of her sister (i. e. another Muslim woman) in order to take her place herself."

٨٨٤ - حَدَّثَنا مُسَدَّدٌ : حَدَّثَنا يَزِيدُ بنُ زُرَيْعٍ : حَدَّثَنا مَعْمَرٌ ، عَنِ الزُّهْرِىِّ ، عَنْ سَعِيدٍ ، عَنْ أبي هُرَيْرَةَ رَضِىَ اللهُ عَنْهُ ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم قالَ : لايَبِيعُ حاضِرٌ لِبادٍ ، ولا تَناجَشُوا ولا يَزِيدَنَّ عَلى بَيْعِ أخِيهِ ، ولا يَخْطُبَنَّ عَلى خِطْبَتِهِ . ولا تَسْألِ المَرْأةُ طَلاقَ أُخْتِها لِتَسْتَكْفِئَ إناءَها .

CHAPTER. The conditions which are not permissible in the legal punishments prescribed by Allāh.

بَابُ الشُّرُوطِ التى لاتَحِلُّ فِى الحُدُودِ .

885. Narrated Abū Huraira and Zaid bin Khālid Al-Juhanī ؓ : A bedouin came to Allāh's Apostle ﷺ and said, "O Allāh's Apostle ! I ask you by Allah to judge my case according to Allāh's Laws." His opponent, who was more learned than he, said, " Yes, judge between us according to Allāh's Laws, and allow me to speak." Allāh's Apostle ﷺ said, " Speak." He (i.e. the bedouin or the other man) said, " My son was working as a labourer for this (man)

٨٨٥ - حَدَّثَنا قُتَيْبَةُ بنُ سَعِيدٍ : حَدَّثَنا لَيْثٌ ، عَنِ ابنِ شِهابٍ ، عَنْ عُبَيْدِ اللهِ بنِ عَبْدِ اللهِ بنِ عُتْبَةَ بنِ مَسْعُودٍ ، عَنْ أبي هُرَيْرَةَ وزَيْدِ بنِ خالِدٍ الجُهَنِىِّ رَضِىَ اللهُ عَنْهُما أنَّهُما قالا : إنَّ رَجُلاً مِنَ الأعْرابِ أتَى رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم فَقالَ : يا رَسُولَ اللهِ : أنْشُدُكَ اللهَ إلاَّ قَضَيْتَ لى بِكِتابِ اللهِ . فَقالَ الخَصْمُ الآخَرُ وهُوَ أفْقَهُ مِنْهُ : نَعَمْ ، فاقْضِ بَيْنَنا بِكِتابِ اللهِ وائْذَنْ لى ،

and he committed illegal sexual intercourse with his wife. The people told me that it was obligatory that my son should be stoned to death, so in lieu of that I ransomed my son by paying one hundred sheep and a slave girl. Then I asked the religious scholars about it, and they informed me that my son must be lashed one hundred lashes, and be exiled for one year, and the wife of this (man) must be stoned to death." Allāh's Apostle ﷺ said, "By Him in Whose Hands my soul is, I will judge between you according to Allāh's Laws. The slave-girl and the sheep are to be returned to you, your son is to receive a hundred lashes and be exiled for one year. You, Unais, go to the wife of this (man) and if she admits her guilt, stone her to death." Unais went to that woman next morning and she confessed. Allāh's Apostle ﷺ ordered that she be stoned to death.

CHAPTER. The conditions permissible in the case of a slave who has a writing for emancipation, if he agrees to be sold to somebody else who promises to free him.

886. Narrated Aiman Al-Makkī: When I visited 'Aisha رضي الله عنها she said, "Buraira who had a written contract for her emancipation for a certain amount came to me and said, 'O the mother of the faithful believers! Buy me and manumit me, as my masters will sell

فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ: قُلْ ، قَالَ: إِنَّ ابْنِي كَانَ عَسِيفًا عَلَى هٰذَا فَزَنَى بِامْرَأَتِهِ وَ إِنِّي أُخْبِرْتُ أَنَّ عَلَى ابْنِي الرَّجْمَ فَافْتَدَيْتُ مِنْهُ بِمِائَةِ شَاةٍ وَوَلِيدَةٍ ، فَسَأَلْتُ أَهْلَ العِلْمِ فَأَخْبَرُونِي أَنَّمَا عَلَى ابْنِي جَلْدُ مِائَةٍ وَ تَغْرِيبُ عَامٍ ، وَ أَنَّ عَلَى امْرَأَةِ هٰذَا الرَّجْمَ ، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّمَ: وَالَّذِي نَفْسِي بِيَدِهِ لَأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللهِ ، الوَلِيدَةُ وَالغَنَمُ رَدٌّ ، وَ عَلَى ابْنِكَ جَلْدُ مِائَةٍ وَ تَغْرِيبُ عَامٍ . اغْدُ يَا أُنَيْسُ إِلَى امْرَأَةِ هٰذَا فَإِنِ اعْتَرَفَتْ فَارْجُمْهَا . قَالَ: فَغَدَا عَلَيْهَا فَاعْتَرَفَتْ فَأَمَرَ بِهَا رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم فَرُجِمَتْ .

بابُ مَا يَجُوزُ مِنْ شُرُوطِ المُكَاتَبِ إِذَا رَضِيَ بِالبَيْعِ عَلَى أَنْ يُعْتَقَ .

٨٨٦ ـ حدَّثَنَا خَلَّادُ بنُ يَحْيَى: حدَّثَنَا عَبْدُ الوَاحِدِ بنُ أَيْمَنَ المَكِّيُّ ، عَنْ أَبِيهِ قَالَ: دَخَلْتُ عَلَى عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: دَخَلَتْ عَلَيَّ بَرِيرَةُ وَهِيَ مُكَاتَبَةٌ فَقَالَتْ: يَا أُمَّ المُؤْمِنِينَ اشْتَرِينِي فَإِنَّ أَهْلِي يَبِيعُونَنِي

me.' 'Āisha agreed to it. Buraira said, 'My masters will sell me on the condition that my Walā'(1) will go to them.' 'Āisha said to her, 'Then I am not in need of you.' The Prophet ﷺ heard of that or was told about it and so he asked 'Āisha, 'What is the problem of Buraira?' He added, 'Buy her and manumit her, no matter what they stipulate.' 'Āisha added, 'I bought and manumitted her, though her masters had stipulated that her Walā' would be for them.' The Prophet ﷺ said, 'The Walā' is for the liberator, even if the other stipulated a hundred conditions.'"

CHAPTER. The suspension of divorce (till a certain condition is fulfilled).

Al-Ḥasan and 'Aṭā' said, "Suspended divorce should take place if the condition which causes its suspension is fulfilled, no matter whether one has mentioned the condition or the expression of divorcing first."

887. Narrated Abū Hurraira رضي الله عنه: Allāh's Apostle ﷺ forbade the meeting of the caravan of goods on the way, that a residing person buys for a bedouin, that a woman stipulates the divorce of the wife of the would-be-husband and that a man tries to cause the cancellation of a bargain concluded by another. He also forbade An-Najsh (see Ḥadīth 824)

فَأَعْتِقِينِي، قَالَتْ: نَعَمْ. قَالَتْ: إِنَّ أَهْلِي لَا يَبِيعُونَنِي حَتَّى يَشْتَرِطُوا وَلَائِي، قَالَتْ: لَا حَاجَةَ لِي فِيكِ. فَسَمِعَ ذَلِكَ النَّبِيُّ صلى الله عليه وسلم أَوْ بَلَغَهُ، فَقَالَ: مَا شَأْنُ بَرِيرَةَ؟ فَقَالَ: اشْتَرِيهَا فَأَعْتِقِيهَا، وَلْيَشْتَرِطُوا مَا شَاءُوا. قَالَتْ: فَاشْتَرَيْتُهَا فَأَعْتَقْتُهَا، وَاشْتَرَطَ أَهْلُهَا وَلَاءَهَا. فَقَالَ النَّبِيُّ صلى الله عليه وسلم: الْوَلَاءُ لِمَنْ أَعْتَقَ وَإِنِ اشْتَرَطُوا مِائَةَ شَرْطٍ.

بَابُ الشُّرُوطِ فِي الطَّلَاقِ.

وَقَالَ ابْنُ الْمُسَيَّبِ وَالْحَسَنُ وَعَطَاءٌ: إِنْ بَدَأَ بِالطَّلَاقِ أَوْ أَخَّرَ فَهُوَ أَحَقُّ بِشَرْطِهِ.

٨٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَرْعَرَةَ: حَدَّثَنَا شُعْبَةُ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللهِ صلى الله عليه وسلم عَنِ التَّلَقِّي، وَأَنْ يَبْتَاعَ الْمُهَاجِرُ لِلْأَعْرَابِيِّ، وَأَنْ تَشْتَرِطَ الْمَرْأَةُ طَلَاقَ أُخْتِهَا، وَأَنْ يَسْتَامَ الرَّجُلُ عَلَى سَوْمِ

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(1) Wala: See the glossary.

and that one withholds the milk in the udder of the animal so that he may deceive people on selling it.

CHAPTER. Verbal conditions with the people.

888. Narrated Ubai bin Kab ؓ : Allah's Apostle ﷺ said, "Moses ؑ the Apostle of Allah," and then he narrated the whole story about him. Al-Khadir said to Moses, "Did not I tell you that you would not be able to remain patient with me." (18 : 72). Moses then violated the agreement for the first time because of forgetfulness, then Moses promised that if he asked Al-Khadir about anythimg, the latter would have the right to desert him. Moses abided by that condition and on the third occasion he intentionally asked Al-Khadir and caused that condition to be applied. The three occasions referred to above are referred to by the following Verses :—

> 'Don't blame me for forgetting
> And do not be hard on me."
> (18 : 13)

'Then they met a boy and Khadir killed him.' (18 : 74)

'Then they proceeded and found a wall which was on the verge of falling

أخيه ، ونَهَى عَنِ النَّجْشِ ، وعَنِ التَّصْرِيَةِ . تابَعَهُ مُعاذٌ وعَبْدُ الصَّمَدِ عَنْ شُعْبَةَ . وقالَ غُنْدَرٌ وعَبْدُ الرَّحْمَنِ : نُهِيَ. وقالَ آدَمُ : نُهِينا. وقالَ النَّضْرُ وحَجَّاجُ بنُ مِنْهالٍ : نَهَى .

بابُ الشُّرُوطِ مَعَ النَّاسِ بِالقَوْلِ .

٨٨٨ ـ حَدَّثَنا إبْرَاهِيمُ بنُ مُوسَى : أخْبَرَنا هِشامٌ : أنَّ ابنَ جُرَيْجٍ أخْبَرَهُ قالَ : أخْبَرَنى يَعْلَى بنُ مُسْلِمٍ ، وعَمْرُو ابنُ دِينارٍ ، عَنْ سَعِيدِ بنِ جُبَيْرٍ ، يَزِيدُ أحَدُهما عَلى صاحِبِهِ ، وغَيْرُهُما : قَدْ سَمِعْتُهُ يُحَدِّثُهُ عَنْ سَعِيدِ بنِ جُبَيْرٍ قالَ : إنَّا لَعِنْدَ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ : حَدَّثَنى أُبَيُّ بنُ كَعْبٍ قالَ : قالَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم : مُوسَى رَسُولُ اللهِ ، فَذَكَرَ الحَدِيثَ . قالَ ـ ألَمْ أقُلْ إنَّكَ لَنْ تَسْتَطِيعَ مَعِيَ صَبْرًا ـ كانَتِ الأُولى نِسْيانًا ، والوُسْطَى شَرْطًا ، والثَّالِثَةُ عَمْدًا ـ قالَ لا تُؤَاخِذْنِى بِما نَسِيتُ ولا تُرْهِقْنِى مِنْ أمْرِى عُسْرًا ـ لَقِيا غُلامًا فَقَتَلَه ـ فانْطَلَقا فَوَجَدَا جِدارًا يُرِيدُ أنْ يَنْقَضَّ فأقامَهُ ـ قَرَأها ابنُ عَبَّاسٍ ـ أمامَهُمْ مَلِكٌ .

and Khadir set it up straight."

(18 : 77) (1)

CHAPTER. Conditions for Wala.

889. Narrated 'Urwa : 'Aisha رضي الله عنها said, "Buraira came to me and said, 'I have had a contract for my emancipation for nine Awāq (of gold) to be paid in yearly instalments, one Uqiyya per year ; so help me.'" 'Aisha said (to her), "If your masters agree, I will pay them the whole sum provided the Wala will be for me." Buraira went to her masters and told them about it, but they refused the offer and she returned from them while Allāh's Apostle ﷺ was sitting. She said, "I presented the offer to them, but they refused unless the Walā would be for them." When the Prophet ﷺ heard that and 'Aisha told him about it, he said to her, "Buy Buraira and stipulate that her inheritance will be for them, as the Walā is for the manumitter." 'Aisha did so. After that Allāh's Apostle ﷺ got up amidst the people, Glorified and Praised Allāh and said, "What is wrong with some people who stipulate things which are not in Allāh's Laws ? Any condition which is not in Allāh's Laws is invalid even if there were a hundred

بابُ الشُّرُوطِ فى الوَلاءِ.

٨٨٩ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْنِي بَرِيرَةُ فَقَالَتْ: كَاتَبْتُ أَهْلِي عَلَى تِسْعِ أَوَاقٍ فى كُلِّ عَامٍ أُوقِيَّةٌ فَأَعِينِينِي، فَقَالَتْ: إِنْ أَحَبُّوا أَنْ أَعُدَّهَا لَهُمْ وَيَكُونَ وَلاؤُكِ لِي فَعَلْتُ، فَذَهَبَتْ بَرِيرَةُ إِلَى أَهْلِهَا فَقَالَتْ لَهُمْ فَأَبَوْا عَلَيْهَا. فَجَاءَتْ مِنْ عِنْدِهِمْ وَرَسُولُ اللهِ صلى اللهُ عليه وسلَّم جَالِسٌ فَقَالَتْ: إِنِّي قَدْ عَرَضْتُ ذَلِكَ عَلَيْهِمْ فَأَبَوْا إِلاَّ أَنْ يَكُونَ الوَلاءُ لَهُمْ، فَسَمِعَ النَّبِيُّ صلى اللهُ عليه وسلَّم فَأَخْبَرَتْ عَائِشَةُ النَّبِيَّ صلى اللهُ عليه وسلَّم فَقَالَ: خُذِيهَا وَاشْتَرِطِي لَهُمُ الوَلاءَ، فَإِنَّمَا الوَلاءُ لِمَنْ أَعْتَقَ. فَفَعَلَتْ عَائِشَةُ، ثُمَّ قَامَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم فى النَّاسِ فَحَمِدَ اللهَ وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ: مَا بَالُ رِجَالٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فى كِتَابِ اللهِ، مَا كَانَ مِنْ شَرْطٍ لَيْسَ

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(1) In the second case Moses abided by the condition though there was no written agreement or witnesses. So when Khadir said to him, "This is the parting between me and you.' Moses accepted his decision because it agreed with the condition he himself had set up.

such conditions. Allah's Rules are the most valid and Allah's Conditions are the most solid. The Wala is for the manumitter."

فِى كِتَابِ اللهِ فَهُوَ بَاطِلٌ وَ إِنْ كَانَ مِائَةَ شَرْطٍ ، قَضَاءُ اللهِ أَحَقُّ وَشَرْطُ اللهِ أَوْثَقُ ، وَ إِنَّمَا الوَلَاءُ لِمَنْ أَعْتَقَ .

CHAPTER. If the landlord stipulates in the contract of share-cropping that he would terminate the contract whenever he likes.

بَابٌ - إِذَا اشْتَرَطَ فِى المُزَارَعَةِ : إِذَا شِئْتُ أَخْرَجْتُكَ .

890. Narrated Ibn ʿUmar رضي الله عنهما : When the people of Khaibar dislocated ʿAbdullah bin ʿUmar's hands and feet, Umar got up delivering a serman saying, "No doubt, Allah's Apostle ﷺ made a contract with the Jews concerning their properties, and said to them, 'We allow you (to stay in your land) as long as Allah allows you.' Now ʿAbdullah bin ʿUmar went to his land and was attacked at night, and his hands and feet were dislocated, and as we have no enemies there except those Jews, they are our enemies and the only people whom we suspect, I have made up my mind to exile them." When ʿUmar decided to carry out his decision, a son of Abu Al-Ḥaqiq's came and addressed ʿUmar, "O the chief of the faithful believers, will you exile us although Muhammad ﷺ allowed us to stay at our places, and made a contract with us about our properties, and accepted the condition of our residence in our land?" ʿUmar said, "Do you think that I have forgotten the statement of Allah's Apostle ﷺ , i. e.: What will your condition be when you are

٨٩٠ - حَدَّثَنَا أَبُو أَحْمَدَ : حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى أَبُو غَسَّانَ الكِنَانِى : أَخْبَرَنَا مَالِكٌ ، عَنْ نَافِعٍ ، عَنِ ابْنِ عُمَرَ رَضِىَ اللهُ عَنْهُمَا قَالَ : لَمَّا فَدَعَ أَهْلُ خَيْبَرَ عَبْدَ اللهِ بْنَ عُمَرَ قَامَ عُمَرُ خَطِيبًا فَقَالَ : إِنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم كَانَ عَامَلَ يَهُودَ خَيْبَرَ عَلَى أَمْوَالِهِمْ وَ قَالَ نُقِرُّكُمْ مَا أَقَرَّكُمُ اللهُ ، وَ إِنَّ عَبْدَ اللهِ بْنَ عُمَرَ خَرَجَ إِلَى مَالِهِ هُنَاكَ فَعُدِىَ عَلَيْهِ مِنَ اللَّيْلِ فَفُدِعَتْ يَدَاهُ وَ رِجْلَاهُ وَلَيْسَ لَنَا هُنَاكَ عَدُوٌّ غَيْرُهُمْ هُمْ عَدُوُّنَا وَ تُهْمَتُنَا ، وَ قَدْ رَأَيْتُ إِجْلَاءَهُمْ . فَلَمَّا أَجْمَعَ عُمَرُ عَلَى ذَلِكَ أَتَاهُ أَحَدُ بَنِى أَبِى الحَقِيقِ فَقَالَ : يَا أَمِيرَ المُؤْمِنِينَ ، أَتُخْرِجُنَا وَ قَدْ أَقَرَّنَا مُحَمَّدٌ صلى اللهُ عليهِ وسلَّم وَ عَامَلَنَا عَلَى الأَمْوَالِ وَ شَرَطَ ذَلِكَ لَنَا ؟ فَقَالَ عُمَرُ : أَظَنَنْتَ أَنِّى نَسِيتُ قَوْلَ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم : كَيْفَ بِكَ إِذَا أُخْرِجْتَ مِنْ خَيْبَرَ

expelled from Khaibar and your camel will be carrying you night after night?" The Jew replied, "That was joke from Abu-l-Qasim." ʿUmar said, "O the enemy of Allah! You are telling a lie." ʿUmar then drove them out and paid them the price of their properties in the form of of fruits, money, camel saddles and ropes, etc."

CHAPTER. The conditions of Jihad and peace treaties with (non-Muslim) warriors, and the writing of the conditions.

891. Narrated Al-Miswar bin Makhrama and Marwan whose narrations attest each other: Allah's Apostle ﷺ set out at the time of Al-Hudaibiya (treaty), and when they proceeded for a distance, he said, "Khalid bin Al-Walid leading the cavalry of Quraish constituting the front of the army, is at a place called Al-Ghamim, so take the way on the right." By Allah, Khalid did not perceive the arrival of the Muslims till the dust arising from the march of the Muslim army reached him, and then he turned back hurriedly to inform Quraish. The Prophet ﷺ went on advancing till he reached the Thaniyya (i.e. a mountainous way) through which one would go to them (i.e. people of Quraish). The she-camel of the Prophet ﷺ sat down.

تَعْدُو بِكَ قَلُوصُكَ لَيْلَةً بَعْدَ لَيْلَةٍ ؟ فَقَالَ : كَانَ ذَلِكَ هُزَيْلَةً مِنْ أَبِى القَاسِمِ ، فَقَالَ : كَذَبْتَ يَا عَدُوَّ اللهِ ، فَأَجْلاهُمْ عُمَرُ وَأَعْطَاهُمْ قِيمَةَ مَا كَانَ لَهُمْ مِنَ الثَّمَرِ مَالاً وَإِبِلاً وَعُرُوضًا مِنْ أَقْتَابٍ وَحِبَالٍ وَغَيْرِ ذَلِكَ . رَوَاهُ حَمَّادُ بْنُ سَلَمَةَ ، عَنْ عُبَيْدِ اللهِ ، أَحْسِبُهُ عَنْ نَافِعٍ ، عَنِ ابْنِ عُمَرَ ، عَنْ عُمَرَ ، عَنِ النَّبِىِّ صلى اللهُ عليهِ وسلَّم اخْتَصَرَهُ .

بابُ الشُّرُوطِ فى الجِهَادِ وَالمُصَالَحَةِ مَعَ أَهْلِ الحَرْبِ وَكِتَابَةِ الشُّرُوطِ .

٨٩١ - حَدَّثَنِى عَبْدُ اللهِ بْنُ مُحَمَّدٍ : حَدَّثَنَا عَبْدُ الرَّزَّاقِ : أَخْبَرَنَا مَعْمَرٌ قَالَ : أَخْبَرَنِى الزُّهْرِىُّ قَالَ : أَخْبَرَنِى عُرْوَةُ ابْنُ الزُّبَيْرِ ، عَنِ المِسْوَرِ بْنِ مَخْرَمَةَ وَمَرْوَانَ ، يُصَدِّقُ كُلُّ وَاحِدٍ مِنْهُمَا حَدِيثَ صَاحِبِهِ قَالا : خَرَجَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم زَمَنَ الحُدَيْبِيَةِ حَتَّى إِذَا كَانُوا بِبَعْضِ الطَّرِيقِ قَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم : إِنَّ خَالِدَ ابْنَ الوَلِيدِ بِالغَمِيمِ فى خَيْلٍ لِقُرَيْشٍ طَلِيعَةً فَخُذُوا ذَاتَ اليَمِينِ ، فَوَاللهِ مَا شَعَرَ بِهِمْ خَالِدٌ حَتَّى إِذَا هُمْ بِقَتَرَةِ

The people tried their best to cause the she-camel to get up but in vain, so they said, "Al-Qaswā (i.e. the she-camel's name) has become stubborn! Al-Qaswā has become stubborn!" The Prophet ﷺ said, "Al-Qaswā has not become stubborn, for stubbornness is not her habit, but she was stopped by Him Who stopped the elephant." Then he said, "By the Name of Him in Whose Hands my soul is, if they (i.e. the Quraish infidels) ask me anything which will lead to glorifying the rites of worshipping Allāh, I will grant it to them." The Prophet ﷺ then rebuked the she-camel and she got up. The Prophet ﷺ changed his way till he dismounted at the farthest end of Al-Ḥudaibiya at a pit (i.e. well) containing a little water which the people used in small amounts, and in a short while the people used up all its water and complained to Allāh's Apostle ﷺ of thirst. The Prophet ﷺ took an arrow out of his arrow-case and ordered them to put the arrow in that pit. By Allāh, the water started and continued sprouting out till all the people quenched their thirst and returned with satisfaction. While they were still in that state, Budail bin Warqa-al-Khuzāʿī came with some persons from his tribe Khuzāʿa and they were the advisers of Allāh's Apostle ﷺ who would keep no secret from him and were from the people of Tihāma. Budail said, "I left Kaʿb bin Luai and ʿAmir bin Luʾai residing at

الجَيْشِ فانْطَلَقَ يَرْكُضُ نَذِيرًا لِقُرَيْشٍ ، وسارَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم حتَّى إذَا كانَ بالثَّنِيَّةِ التى يُهْبَطُ عَلَيهِمْ مِنها بَرَكَتْ بِهِ رَاحِلَتُهُ. فَقالَ النَّاسُ: حَلْ حَلْ فألَحَّتْ. فَقالُوا: خَلأَتِ القَصْوَاءُ ، خَلأَتِ القَصْوَاءُ. فَقالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: ما خَلأَتِ القَصْوَاءُ ، وما ذَاكَ لهَا بِخُلُقٍ ولٰكِنْ حَبَسَها حابِسُ الفِيلِ ، ثُمَّ قالَ: والذِى نَفْسِى بِيَدِهِ لا يَسْأَلُونِى خُطَّةً يُعَظِّمُونَ فِيها حُرُماتِ اللهِ إلاَّ أعْطَيْتُهُمْ إيَّاها. ثُمَّ زَجَرَها فَوَثَبَتْ ، قالَ: فَعَدَلَ عَنْهُمْ حتَّى نَزَلَ بأقْصَى الحُدَيْبِيَةِ عَلَى ثَمَدٍ قَلِيلِ الماءِ يَتَبَرَّضُهُ النَّاسُ تَبَرُّضاً، فَلَمْ يُلَبِّثْهُ النَّاسُ حتَّى نَزَحُوهُ وشُكِىَ إلى رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم العَطَشُ. فانْتَزَعَ سَهْماً مِنْ كِنانَتِهِ ثُمَّ أمَرَهُمْ أنْ يَجْعَلُوه فيهِ ، فوَاللهِ مازَالَ يَجِيشُ لهُمْ بالرِّىِّ حتَّى صَدَرُوا عَنْهُ. فَبَيْنَماهُمْ كَذَلِكَ إذْ جاءَ بُدَيْلُ بنُ وَرْقاءَ الخُزَاعِىُّ فى نَفَرٍ مِنْ قَوْمِهِ مِن خُزَاعَةَ وكانُوا عَيْبَةَ نُصْحِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم مِنْ أهْلِ تِهامَةَ فقالَ: إنِّى تَرَكْتُ كَعْبَ بنَ لُؤَىٍّ وعامِرَ

the profuse water of Al-Ḥudaibīya and they had milch camels (or their women and children) with them, and will wage war against you, and will prevent you from visiting the Ka'ba." Allāh's Apostle ﷺ said, "We have not come to fight anyone, but to perform the 'Umra. No doubt, the war has weakened Quraish and they have suffered great losses, so if they wish, I will conclude a truce with them, during which they should refrain from interfering between me and the people (i. e. the 'Arab infidels other than Quraish), and if I have victory over those infidels, Quraish will have the option to embrace Islām as the other people do, if they wish ; they will at least get strong enough to fight. But if they do not accept the truce, by Allah in Whose Hands my life is, I will fight with them defending my Cause till I get killed, but (I am sure) Allāh will definitely make His Cause victorious." Budail said, "I will inform them of what you have said." So, he set off till he reached Quraish and said, "We have come from that man (i.e. Muḥammad ﷺ) whom we heard saying something which we will disclose to you if you should like." Some of the fools among Quraish shouted that they were not in need of his information, but the wiser among them said, "Relate what you heard him saying." Budail said, "I heard him saying so-and-so," relating what the Prophet ﷺ had told him. 'Urwa bin Mas'ūd got

ابْنَ لُوءَى نَزَلُوا أعْدَادَ مِيَاهِ الحُدَيْبِيَةِ وَمَعَهُمُ العُوذُ المَطَافِيلُ وَهُمْ مُقَاتِلُوكَ وَصَادُّوكَ عَنِ البَيْتِ. فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: إنَّا لَمْ نَجِىءْ لِقِتَالِ أحَدٍ ولَكِنَّا جِئْنَا مُعْتَمِرِينَ، وإنَّ قُرَيْشًا قَدْ نَهِكَتْهُمُ الحَرْبُ وأضَرَّتْ بِهِمْ. فإنْ شَاءُوا مَادَدْتُهُمْ مُدَّةً ويُخَلُّوا بَيْنى وبَيْنَ النَّاسِ فإنْ أظْهَرَ، وإنْ شَاءُوا أنْ يَدْخُلُوا فِيمَا دَخَلَ فِيهِ النَّاسُ فَعَلُوا وإلاَّ فَقَدْ جَمُّوا. وإنْ هُمْ أبَوْا فَوَالَّذِى نَفْسِى بِيَدِهِ لأُقَاتِلَنَّهُمْ عَلَى أمْرِى هَذَا حَتَّى تَنْفَرِدَ سَالِفَتِي، ولَيُنْفِذَنَّ اللهُ أمْرَهُ: فَقَالَ بُدَيْلٌ: سَأُبَلِّغُهُمْ مَا تَقُولُ. قَالَ: فَانْطَلَقَ حَتَّى أتَى قُرَيْشًا، قَالَ: إنَّا قَدْ جِئْنَاكُمْ مِنْ هَذَا الرَّجُلِ وسَمِعْنَاهُ يَقُولُ قَوْلاً؛ فإنْ شِئْتُمْ نَعْرِضُهُ عَلَيْكُمْ فَعَلْنَا. فَقَالَ سُفَهَاؤُهُمْ: لا حَاجَةَ لَنَا أنْ تُخْبِرَنَا عَنْهُ بِشَىْءٍ. وقَالَ ذَوُو الرأى مِنْهُمْ: هَاتِ مَا سَمِعْتَهُ يَقُولُ، قَالَ: سَمِعْتُهُ يَقُولُ كَذَا وكَذَا، فَحَدَّثَهُمْ بِمَا قَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم فَقَامَ عُرْوَةُ بْنُ مَسْعُودٍ فَقَالَ: أىْ قَوْمُ، ألَسْتُمْ بِالوَلَدِ؟ قَالُوا: بَلَى، قَالَ: وألَسْتُ بِالوَالِدِ؟ قَالُوا: بَلَى، قَالَ: فَهَلْ تَتَّهِمُونِى؟ قَالُوا: لا،

up and said, "O people! Aren't you the sons?" They said, "Yes." He added, "Am I not the father?" They said, "Yes." He said, "Do you mistrust me?" They said, "No." He said, "Don't you know that I invited the people of ʿUkāz for your help, and when they refused I brought my relatives and children and those who obeyed me (to help you)?" They said, "Yes." He said, "Well, this man (i.e. the Prophet ﷺ has offered you a reasonable proposal, you'd better accept it and allow me to meet him." They said, "You may meet him." So, he went to the Prophet ﷺ and started talking to him. The Prophet ﷺ told him almost the same as he had told Budail. Then ʿUrwa said, "O Muḥammad! Won't you feel any scruple in extirpating your relations? Have you ever heard of anyone amongst the ʿArabs extirpating his relatives before you? On the other hand, if the reverse should happen, (nobody will aid you, for) by Allāh, I do not see (with you) dignified people, but people from various tribes who would run away leaving you alone." Hearing that, Abū Bakr abused him and said, "Do you say we would run and leave the Prophet ﷺ alone?" ʿUrwa said, "Who is that man?" They said, "He is Abū Bakr." ʿUrwa said to Abū Bakr, "By Him in Whose Hands my life is, were it not for the favour which you did to me and which I did not compensate, I would retort on you." ʿUrwa kept on

قالَ: أَلَسْتُمْ تَعْلَمُونَ أَنِّى اسْتَنْفَرْتُ أَهْلَ عُكاظ فَلَمَّا بَلَّحُوا عَلَيَّ جِئْتُكُمْ بِأَهْلِي وَوَلَدِي وَمَنْ أَطاعَنِى؟ قالُوا: بَلَى، قالَ: فإنَّ هذا قَدْ عَرَضَ عَلَيْكُمْ خُطَّةَ رُشْدٍ، اقْبَلُوها ودَعُونى آتِه. قالُوا: ائْتِهِ، فأتاهُ فَجَعَلَ يُكَلِّمُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم فَقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم نَحْوًا مِنْ قَوْلِهِ لِبُدَيْلٍ. فَقالَ عُرْوَةُ عِنْدَ ذَلكَ: أَيْ مُحَمَّدُ، أَرَأَيْتَ إنْ اسْتَأْصَلْتَ أَمْرَ قَوْمِكَ، هَلْ سَمِعْتَ بأحَدٍ مِنَ العَرَبِ اجْتاحَ أَهْلَه قَبْلَكَ؟ وإنْ تَكُنِ الأُخْرَى، فإنِّي واللهِ لا أَرَى وجُوها، وإنِّى لأَرَى أَشْوَابا مِنَ النَّاسِ خَلِيقا أنْ يَفِرُّوا ويَدَعُوكَ. فَقالَ لَهُ أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ: امْصَصْ بَظْرَ اللاتِ، أَنَحْنُ نَفِرُّ عَنْهُ ونَدَعُهُ؟ فَقالَ: مَنْ ذَا؟ قالُوا: أَبُو بَكْرٍ، قالَ: أَما والذِي نَفْسِي بِيَدِهِ لَوْلا يَدٌ كانَتْ لكَ عِنْدِي لَمْ أَجْزِكَ بِها لأَجَبْتُكَ. قالَ: وجَعَلَ يُكَلِّمُ النَّبِيَّ صلى اللهُ عليهِ وسلَّم فَكُلَّما تَكَلَّمَ أَخَذَ بِلِحْيَتِهِ والمُغِيرَةُ بنُ شُعْبَةَ قائمٌ عَلَى رَأْسِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم ومَعَهُ السيْفُ وعَلَيْهِ المِغْفَرُ. فَكُلَّما

talking on the Prophet ﷺ and seizing the Prophet's beard as he was talking while Al-Mughira bin Shu'ba was standing near the head of the Prophet ﷺ, holding a sword and wearing a a helmet. Whenever 'Urwa stretched his hand towards the beard of the Prophet ﷺ, Al-Mughira would hit his hand with the handle of the sword and say (to 'Urwa), "Remove your hand from the beard of Allah's Apostle ﷺ." 'Urwa raised his head and asked, "Who is that?" The people said, "He is Al-Mughira bin Shu'ba." 'Urwa said, "O treacherous! Am I not doing my best to prevent the evil consequences of your treachery?" Before embracing Islam Al-Mughira was in the company of some people. He killed them and took their property and came (to Medina) to embrace Islam. The Prophet ﷺ said (to him), "As regards your Islam, I accept it, but as for the proprety I do not take anything of it. (As it was taken through treason.) 'Urwa then started looking at the companions of the Prophet ﷺ. By Allah, whenever Allah's Apostle ﷺ spitted, the spittle would fall in the hand of one of them (i.e. the Prophet's companions) who would rub it on his face and skin; if he ordered them they would carry out his orders immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke to him, they would lower

أَهْوَى عُرْوَةُ بِيَدِهِ الى لِحيَةِ النَّبِيِّ صلى اللهُ عليهِ وسلَّم ضَرَبَ يَدَهُ بِنَعْلِ السَّيْفِ وقالَ لهُ: أَخِّرْ يَدَكَ عَنْ لِحيَةِ رَسُولِ اللهِ صلى اللهُ عليهِ وسلَّم، فَرَفَعَ عُرْوَةُ رَأْسَهُ فقالَ: مَنْ هذَا؟ قالُوا: المُغِيرَةُ بنُ شُعْبَةَ، فقالَ: أَىْ غُدَرُ: أَلَسْتُ أَسْعَى فى غَدْرَتِكَ؟ وكانَ المُغِيرَةُ صَحِبَ قَوْمًا فى الجاهِلِيَّةِ فَقَتَلَهُمْ وأَخَذَ أَمْوالَهُمْ ثُمَّ جاءَ فأَسْلَمَ. فقالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: أَمَّا الإِسْلامَ فأَقْبَلُ وأَمَّا المَالَ فلَسْتُ مِنْهُ فى شَىْءٍ. ثُمَّ إنَّ عُرْوَةَ جَعَلَ يَرْمُقُ أَصْحابَ النَّبِيِّ صلى اللهُ عليهِ وسلَّم بِعَيْنَيْهِ، قالَ: فَوَاللهِ ما تَنَخَّمَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم نُخامَةً الاَّ وَقَعَتْ فى كَفِّ رَجُلٍ مِنْهُمْ فَدَلَكَ بِها وَجْهَهُ وجِلْدَهُ. وإذَا أَمَرَهُمُ ابْتَدَرُوا أَمْرَهُ. وإذَا تَوَضَّأَ كادُوا يَقْتَتِلُونَ عَلَى وَضُوئِهِ. وإذَا تَكَلَّمُوا خَفَضُوا أَصْوَاتَهُمْ عِنْدَهُ، وما يُحِدُّونَ إلَيْهِ النَّظَرَ تَعْظِيما لَهُ. فَرَجَعَ عُرْوَةُ إلى أَصْحابِهِ فقالَ: أَىْ قَوْمِ، واللهِ لَقَدْ وفَدْتُ عَلَى المُلُوكِ ووَفَدْتُ عَلَى قَيْصَرَ وكِسْرَى والنَّجاشِىِّ. واللهِ إنْ رأَيْتُ مَلِكا قَطُّ يُعَظِّمُهُ أَصْحابُهُ ما يُعَظِّمُ أَصْحابُ مُحَمَّدٍ صلى اللهُ

their voices and would not look at his face constantly out of respect. Urwa returned to his people and said, "O people! By Allah, I have been to the kings and to Caesor, Khosrau and An-Najashi, yet I have never seen any of them respected by his courtiers as much as Muhammad ﷺ is respected by his companions. By Allah, if he spitted, the spittle would fall in the hand of one of them (i.e. the Prophet's companions) who would rub it on his face and skin; if he ordered them, they would carry out his order immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke, they would lower their voices and would not look at his face constantly out of respect." 'Urwa added, "No doubt, he has presented to you a good reasonable offer, so please accept it." A man from the tribe of Bani Kinana said, "Allow me to go to him," and they allowed him, and when he approached the Prophet ﷺ and his companions, Allah's Apostle ﷺ said, "He is so-and-so who belongs the tribe that respects the Budn (i. e. camels of the sacrifice). So, bring the Budu in front of him." So, the Budn were brought before him and they received him while they were reciting Talbiya. When he saw that scene, he said, "Glorified be Allah! It is not fair to prevent these people from visiting the Ka'ba." When he returned to his people, he said, "I saw the Budn

عليه وسلَّم مُحَمَّدًا. واللهِ إنْ يتَنَخَّمُ نُخامَةً إلاَّ وقَعَتْ فى كَفِّ رَجُلٍ مِنْهُمْ فَدَلَكَ بِها وَجْهَهُ وجِلْدَهُ. فإذا أمَرَهُمْ ابْتَدَرُوا أمْرَهُ ، وإذا تَوَضَّأ كادُوا يَقْتَتِلُونَ عَلى وَضُوئِهِ ، وإذا تَكَلَّمُوا خَفَضُوا أصْواتَهُمْ عِنْدَهُ وَما يُحِدُّونَ إلَيْهِ النَّظَرَ تَعْظِيما لَهُ. وَإنَّهُ قَدْ عَرَضَ عَلَيْكُمْ خُطَّةَ رُشْدٍ فاقْبَلُوها ، فَقالَ رَجُلٌ مِنْ بَنِى كِنانَةَ : دَعُونى آتِيهِ ، فَقالُوا: ائْتِهِ. فَلَمَّا أشْرَفَ عَلى النَّبِىِّ صلى اللهُ عليهِ وسلَّم وأصحابِهِ قالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم: هذا فُلانٌ وَهُوَ مِنْ قَوْمٍ يُعَظِّمُونَ البُدْنَ فابْعَثُوها لَهُ ، فَبُعِثَتْ لَهُ ، واسْتَقْبَلَهُ النَّاسُ يُلَبُّونَ. فَلَمَّا رَأى ذَلكَ قالَ : سُبْحانَ اللهِ ، مايَنْبَغِى لِهَؤُلاءِ أن يُصَدُّوا عَنِ البَيْتِ. فَلَمَّا رَجَعَ إلى أصْحابِهِ قالَ: رَأيْتُ البُدْنَ قَدْ قُلِّدَتْ و أُشْعِرَتْ ، فما أرَى أنْ يُصَدُّوا عَنِ البَيْتِ. فَقامَ رَجُلٌ مِنْهُمْ يُقالُ لَهُ مِكْرَزُ بنُ حَفْصٍ فَقالَ: دَعُونى آتِيهِ ، فَقالُوا: ائْتِهِ. فَلَمَّا أشْرَفَ عَلَيْهِمْ قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: هذا مِكْرَزٌ وهُوَ رجلٌ فاجِرٌ ، فَجَعَلَ يُكَلِّمُ النَّبِىَّ

garlanded (with coloured knotted ropes) and marked (with stabs on their backs). I do not think it is advisable to prevent them from visiting the Ka‘ba." Another person called Mikrāz bin Hafs got up and sought their permission to go to Muhammad ﷺ, and they allowed him, too. When he approached the Muslims, the Prophet ﷺ said, "Here is Mikrāz and he is a vicious man." Mikrāz started talking to the Prophet ﷺ and as he was talking, Suhail bin ‘Amr came. When Suhail bin ‘Amr came, the Prophet ﷺ said, "Now the matter has become easy." Suhall said to the Prophet ﷺ, "Please conclude a peace treaty with us." So, the Prophet called the clerk and said to him, "Write: By the Name of Allāh, the most Beneficent, the most Merciful." Suhail said, "As for 'Beneficent,' by Allah, I do not know what it means. So write: By Your Name O Allāh, as you used to write previously." The Muslims said, "By Allāh, we will not write except: By the Name of Allah, the most Beneficent, the most Merciful." The Prophet ﷺ said, "Write: By Your Name O Allāh." Then he dictated, "This is the peace treaty which Muhammad, Allāh's Apostle has concluded." Suhail said, "By Allāh, if we knew that you are Allāh's Apostle we would not prevent you from visiting the Ka‘ba,

صلى اللهُ عليهِ وسلَّم فبَيْنما هُوَ يُكلِّمُهُ إذ جاءَ سُهَيْلُ بنُ عَمْرٍو ، قالَ مَعْمَرٌ : فأخبَرَنى أيُّوبُ ، عَنْ عِكْرِمَةَ : أنَّهُ لمَّا جاءَ سُهَيْلُ بنُ عَمْرٍو قالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم : قَدْ سَهُلَ لَكُمْ مِنْ أمْرِكُمْ . قالَ مَعْمَرٌ : قالَ الزُّهْرِىُّ فى حَدِيثِهِ : فَجاءَ سُهَيْلُ بنُ عَمْرٍو فقالَ : هاتِ اكْتُبْ بَيْنَنَا وبَيْنَكُمْ كِتابًا ، فَدَعا النَّبِىُّ صلى اللهُ عليهِ وسلَّم الكاتِبَ فقالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم اكْتُبْ : بِسْمِ اللهِ الرَّحْمَنِ الرَّحِيمِ : فقالَ سُهَيْلٌ : أمَّا الرَّحْمَنُ فوَاللهِ ما أدْرِى ما هِىَ ، ولَكِنِ اكْتُبْ : باسمِكَ اللَّهُمَّ كما كُنْتَ تَكْتُبُ . فقالَ المُسْلِمُونَ : واللهِ لا نَكْتُبُها إلا بِسْمِ اللهِ الرَّحْمَنِ الرَّحِيمِ . فقالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم : اكْتُبْ باسمِكَ اللَّهُمَّ . ثُمَّ قالَ : هَذَا ما قاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللهِ ، فقالَ سُهَيْلٌ : واللهِ لَوْ كُنَّا نَعْلَمُ أنَّكَ رَسُولُ اللهِ ما صَدَدْناكَ عَنِ البَيْتِ ولا قاتَلْناكَ . ولَكِنِ اكْتُبْ : مُحَمَّدُ بنُ عَبْدِ اللهِ ، فقالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم : واللهِ إنِّى لَرَسُولُ اللهِ وإنْ كَذَّبْتُمُونى ، اكْتُبْ : مُحَمَّدُ بنُ عَبْدِ اللهِ . قالَ الزُّهْرِىُّ : وذلكَ

and would not fight with you. So, write : Muḥammad bin ʿAbdullāh." The Prophet ﷺ said, "By Allāh ! I am Apostle of Allāh even if you people do not believe me. Write : Muḥammad bin ʿAbdullāh." (Az-Zuhrī said, "The Prophet ﷺ accepted all those things, as he had already said that he would accept everything they would demand if its fulfilment would glorify the rites of worshipping Allāh,) (i. e. by letting him and his companions perform ʿUmra.)" The Prophet ﷺ said to Suhail, "On the condition that you allow us to visit the House (i.e. Kaʿba) so that we may perform Tawāf around it." Suhail said, "By Allāh, we will not (allow you this year) so as not to give chance to the ʿArabs to say that we have yielded to you, but we will allow you next year." So, the Prophet ﷺ got that written. Then Suhail said, "We also stipulate that you should return to us whoever comes to you from us, even if he embraced your religion." The Muslims said, "Glorified be Allāh ! How will such a person be returned to the infidels after he has become a Muslim ?" While they were in this state Abū Jandal bin Suhail bin ʿAmr came from the valley of Mecca staggering with his fetters and fell down amongst the Muslims. Suhail said, "O Muḥammad ! This is the very first term with which we make peace with you, i. e. you shall

لِقَوْلِهِ لا يَسْأَلُونَنِى خُطَّةً يُعَظِّمُونَ فِيهَا حُرُمَاتِ اللهِ إلاَّ أَعْطَيْتُهُمْ إيَّاهَا. فَقَالَ لَهُ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: عَلَى أَنْ تُخَلُّوا بَيْنَنَا وبَيْنَ الْبَيْتِ فَنَطُوفَ بِهِ. فَقَالَ سُهَيْلٌ: واللهِ لا تَتَحَدَّثُ الْعَرَبُ أَنَّا أُخِذْنَا ضُغْطَةً؛ ولَكِنْ ذَلِكَ مِنَ الْعامِ الْمُقْبِلِ، فَكَتَبَ. فَقَالَ سُهَيْلٌ: وعَلَى أَنَّهُ لا يَأْتِيكَ مِنَّا رَجُلٌ وإنْ كَانَ عَلَى دِينِكَ إلاَّ رَدَدْتَهُ إلَيْنَا. قَالَ الْمُسْلِمُونَ: سُبْحَانَ اللهِ، كَيْفَ يُرَدُّ إلى الْمُشْرِكِينَ وقَدْ جَاءَ مُسْلِمًا؟ فَبَيْنَمَا كذلكَ إذْ دَخَلَ أَبُو جَنْدَلَ بنُ سُهَيْلِ بن عَمْرٍو يَرْسُفُ فى قُيُودِهِ. وقَدْ خَرَجَ مِنْ أَسْفَلِ مَكَّةَ حَتَّى رَمَى بِنَفْسِهِ بَيْنَ أَظْهُرِ الْمُسْلِمِينَ فَقَالَ سُهَيْلٌ: هَذَا يا مُحَمَّدُ أَوَّلُ ما أُقَاضِيكَ عليهِ أَنْ تَرُدَّهُ إلىَّ. فَقَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: إنَّا لَمْ نَقْضِ الْكِتَابَ بَعْدُ. قَالَ: فَوَاللهِ إذًا لَمْ أُصَالِحْكَ عَلَى شَىْءٍ أَبَدًا. قَالَ النَّبِىُّ صلى اللهُ عليهِ وسلَّم: فأجِزْهُ لى، قالَ: ما أنا بِمُجِيزِهِ لَكَ. قَالَ: بَلَى فَافْعَلْ. قالَ: ما أنَا بِفَاعِلٍ. قَالَ مِكْرَزٌ: بَلْ قَدْ أَجَزْنَاهُ لَكَ. قالَ أَبُو جَنْدَلٍ: أَىْ مَعْشَرَ الْمُسْلِمِينَ، أُرَدُّ إلى الْمُشْرِكِينَ

return Abū Jandal to me." The Prophet ﷺ said, "The peace treaty has not been written yet." Suhail said, "I will never allow you to keep him." The Prophet ﷺ said, "Yes, do." He said, "I won't do." Mikraz said, "We allow you (to keep him)." Abū Jandal said, "O Muslims! Will I be returned to the infidels, though I have come as a Muslim? Don't you see how much I have suffered?" Abū Jandal had been tortured severely for the Cause of Allāh. ʿUmar bin Al-Khaṭṭāb said, "I went to the Prophet ﷺ and said, 'Aren't you truely the Apostle of Allāh?' The Prophet ﷺ said, 'Yes, indeed.' I said, 'Isn't our Cause just and the cause of the enemy unjust?' He said, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'I am Allāh's Apostle and I do not disobey Him, and He will make me victorious.' I said, 'Didn't you tell us that we would go to the Kaʿba and perform Tawaf around it?' He said, 'Yes, but did I tell you that we would visit the Kaʿba this year?' I said, 'No.' He said, 'So you will visit it and perform Ṭawāf around it?'" Umar further said, "I went to Abū Bakr and said, 'O Abū Bakr! Isn't this truely Allāh's Prophet?' He replied, 'Yes.' I said, 'Isn't our Cause just and the cause of our enemy unjust?' He replied, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'Indeed, he is Allāh's Apostle and he does not

وقَدْ جِئْتُ مُسْلِما؟ ألاَ تَرَوْنَ ما قَدْ لَقِيتُ؟ وكانَ قَدْ عُذِّبَ عَذَابًا شَدِيدًا فى اللهِ قالَ عُمَرُ بنُ الخَطَّاب: فأتَيْتُ نَبِىَّ اللهِ صلى اللهُ عليهِ وسلَّم فقُلْتُ: ألَسْتَ نَبِىَّ اللهِ حَقًّا؟ قالَ: بَلى، قُلْتُ: ألَسْنا عَلى الحَقِّ وعَدُوُّنا عَلى الباطِلِ؟ قالَ: بَلى، قُلْتُ: فَلِمَ نُعْطِى الدَّنِيَّةَ فى دِينِنا إذًا؟ قالَ: إنّى رَسُولُ اللهِ ولَسْتُ أعْصِيهِ وهُوَ ناصِرِى. قُلْتُ: أوَ لَيْسَ كُنْتَ تُحَدِّثُنا أنَّا سَنَأتى البَيْتَ فَنَطُوفُ بِهِ؟ قالَ: بَلى، فأخْبَرْتُكَ أنَّا نَأتِيهِ العامَ؟ قالَ: قُلْتُ: لا، قالَ: فإنَّكَ آتِيهِ ومُطَوِّفٌ بِهِ. قالَ: فأتَيْتُ أبَا بَكْرٍ، فقُلْتُ: يا أبا بَكْرٍ، ألَيْسَ هذَا نَبِىُّ اللهِ حَقًّا، قالَ: بَلى، قُلْتُ: ألَسْنا عَلى الحَقِّ وعَدُوُّنا عَلى الباطِلِ؟ قالَ: بَلى، قُلْتُ: فَلِمَ نُعْطِى الدَّنِيَّةَ فى دِينِنَا إذًا؟ قالَ: أيُّها الرَّجُلُ، إنَّهُ لَرَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم ولَيْسَ يَعْصِى رَبَّهُ وهُوَ ناصِرُهُ، فاسْتَمْسِكْ بِغَرْزِهِ فَوَاللهِ إنَّهُ عَلى الحَقِّ، قُلْتُ: ألَيْسَ كانَ يُحَدِّثُنا أنَّا سَنَأتى البَيْتَ ونَطُوفُ بِهِ؟ قالَ: بَلى، أفَأخْبَرَكَ أنَّكَ تَأتِيهِ العامَ؟ قُلْتُ: لا. قالَ: فإنَّكَ آتِيهِ ومُطَوِّفٌ بِهِ. قالَ الزُّهْرِىُّ: قالَ عُمَرُ: فعَمِلْتُ لِذَلكَ

disobey his Lord, and He will make him victorious. Adhere to him as, by Allāh, he is on the right.' I said, 'Was he not telling us that we would go to the Ka‘ba and perform Ṭawāf around it ?' He said, 'Yes, but did he tell you that you would go to the Ka‘ba this year ?' I said, 'No.' He said, 'You will go to Ka‘ba and perform Tawaf around it.' " (Az-Zuhrī said, "‘Umar said, 'I performed many good deeds as expiation for the improper questions I asked them.' ") When the writing of the peace treaty was finished, Allāh's Apostle ﷺ said to his companions, "Get up and slaughter your sacrifices and get your head shaved." By Allāh none of them got up, and the Prophet ﷺ repeated his order thrice. When none of them got up, he left them and went to Um Salama and told her of the people's attitudes towards him. Um Salama said, "O the Prophet of Allāh ! Do you want your order to be carried out ? Go out and don't say a word to anybody till you have slaughtered your sacrifice and call your barber to shave your head." So, the Prophet ﷺ went out and did not talk to anyone of them till he did that, i. e. slaughtered the sacrifce and called his barber who shaved his head. Seeing that, the companions of the Prophet ﷺ got up, slaughtered their sacrifices, and started shaving the heads of another, and there was so much rush that there

أَعْمَالاً. قَالَ: فَلَمَّا فَرَغَ مِنْ قَضِيَّةِ الكِتَابِ قَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم لأَصْحَابِهِ: قُومُوا فَانْحَرُوا ثُمَّ احْلِقُوا، قَالَ: فَوَاللهِ مَا قَامَ مِنْهُمْ رَجُلٌ حَتَّى قَالَ ذَلِكَ ثَلاثَ مَرَّاتٍ، فَلَمَّا لَمْ يَقُمْ مِنْهُمْ أَحَدٌ دَخَلَ عَلَى أُمِّ سَلَمَةَ فَذَكَرَ لَهَا مَا لَقِيَ مِنَ النَّاسِ فَقَالَتْ أُمُّ سَلَمَةَ: يَا نَبِيَّ اللهِ، أَتُحِبُّ ذَلِكَ؟ اخْرُجْ ثُمَّ لا تُكَلِّمْ أَحَداً مِنْهُمْ كَلِمَةً، حَتَّى تَنْحَرَ بُدْنَكَ، وتَدْعُو حَالِقَكَ فَيَحْلِقَكَ. فَخَرَجَ فَلَمْ يُكَلِّمْ أَحَداً مِنْهُمْ حَتَّى فَعَلَ ذَلِكَ. نَحَرَ بُدْنَهُ، وَدَعَا حَالِقَهُ فَحَلَقَهُ. فَلَمَّا رَأَوْا ذَلِكَ قَامُوا فَنَحَرُوا وَجَعَلَ بَعْضُهُمْ يَحْلِقُ بَعْضاً حَتَّى كَادَ بَعْضُهُمْ يَقْتُلُ بَعْضاً غَمًّا. ثُمَّ جَاءَهُ نِسْوَةٌ مُؤْمِنَاتٌ، فَأَنْزَلَ اللهُ تَعَالَى - يَا أَيُّهَا الذِينَ آمَنُوا إِذَا جَاءَكُمُ المُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ - حَتَّى بَلَغَ بِعِصَمِ الكَوَافِرِ - فَطَلَّقَ عُمَرُ يَوْمَئِذٍ امْرَأَتَيْنِ كَانَتَا لَهُ فِى الشِّرْكِ. فَتَزَوَّجَ إِحْدَاهُمَا مُعَاوِيَةُ ابنُ أَبِي سُفْيَانَ، والأُخْرَى صَفْوَانُ بنُ أُمَيَّةَ. ثُمَّ رَجَعَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم إِلَى المَدِينَةِ فَجَاءَهُ أَبُو بَصِيرٍ

was a danger of killing each other. Then some believing women came (to the Prophet ﷺ); and Allah تعالى revealed the following Divine Verses :—

> 'O you who believe, if the believing women emigrants come to you, test them..........................
> but hold not to the guardianship of disbelieving women.' (60 : 10)

'Umar then divorced two wives of his who were infidels. Later on Mu awiya bin Abū Sufyān married one of them, and Safwān bin Umaya married the other.

When the Prophet ﷺ returned to Medina, Abū Basir, a new Muslim convert from Quraish came to him. The Infidels sent in his pursuit two men who said (to the Prophet ﷺ), "Abide by the promise you gave us." So, the Prophet ﷺ handed him over to them. They took him out (of the City) till they reached Dhul-Hulaifa where they dismounted to eat some dates they had with them. Abū Basir said to one of them, "By Allāh, O so-and-so, I see you have a fine sword." The other drew it out (of the scabbard) and said, "By Allāh, it is very fine and I have tried it many times." Abū Basir said, "Let me have a look at it." When the other gave it to him, he hit him with it till he died, and his companion ran away till he came to Medina and entered the Mosque running. When Allāh's Apostle ﷺ saw him he said, "This man appears

رَجُلٌ مِنْ قُرَيْشٍ وهوَ مُسْلِمٌ، فأرْسَلُوا فى طَلَبِهِ رَجُلَيْنِ ، فَقَالُوا : العَهْدَ الذى جَعَلْتَ لَنَا . فَدَفَعَهُ إلى الرَّجُلَيْنِ ، فَخَرَجَا بِهِ حَتَّى بَلَغَا ذَا الحُلَيْفَةِ ، فَنَزَلُوا يَأْكُلُونَ مِنْ تَمْرٍ لهُمْ ، فَقَالَ أبُو بَصِيرٍ لأحَدِ الرجُلَيْنِ : واللهِ إنّى لأرَى سَيْفَكَ هذَا يا فُلانُ جَيِّدًا، فاسْتَلَّهُ الآخَرُ فَقَالَ: أجَلْ واللهِ، إنَّهُ لجَيِّدٌ، لَقَدْ جَرَّبْتُ بِهِ ثُمَّ جَرَّبْتُ. فَقَالَ أبُو بَصِير : أرِنى أنْظُرْ إلَيْهِ ، فأمْكَنَهُ بِهِ ، فَضَرَبَهُ حَتَّى بَرَدَ وفَرَّ الآخَرُ حَتَّى أتَى المَدِينَةَ ، فَدَخَلَ المَسْجِدَ يَعْدُو ، فَقَالَ رَسُولُ اللهِ صلى اللهُ عليهِ وسلَّم حِينَ رَآهُ : لَقَدْ رَأى هذَا ذُعْرًا ، فلَمَّا انْتَهَى إلى النَّبِيِّ صلى اللهُ عليهِ وسلَّم قالَ : قُتِلَ صاحِبِى و إنّى لمَقْتُولٌ . فَجاءَ أبُو بَصِيرٍ فَقَالَ : يا نَبِيَّ اللهِ قَدْ واللهِ أوْفَى اللهُ ذِمَّتَكَ، قَدْ رَدَدْتَنِى إلَيْهِمْ ثُمَّ أنْجانى اللهُ مِنْهُمْ . قالَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم: وَيْلُ أمِّهِ مِسْعَرَ حَرْبٍ لَوْ كانَ لَهُ أحَدٌ . فَلَمَّا سَمِعَ ذَلِكَ عَرَفَ أنَّهُ سَيَرُدُّهُ إلَيْهِمْ ،

to have been frightened." When he reached the Prophet ﷺ he said, "My companion has been murdered and I would have been murdered too." Abū Baṣir came and said, "O Allāh's Apostle, by Allāh, Allāh has made you fulfil your obligations by your returning me to them (i.e. the Infidels), but Allāh has saved me from them." The Prophet ﷺ said "Woe, what excellent war kindler he would be, should he only have supporters." When Abū Baṣir heard that he understood that the Prophet ﷺ would return him to them again, so he set off till he reached the seashore. Abū Jandal bin Suhail got himself released from them (i.e. infidels) and joined Abū Baṣir. So, whenever a man from Quraish embraced Islam he would follow Abū Baṣir till they formed a strong group. By Allāh, whenever they heard about a caravan of Quraish heading towards Shā'm, they stopped it and attacked and killed them (i. e. infidels) and took their properties. The people of Quraish sent a message to the Prophet ﷺ requesting him for the Sake of Allāh and kith and kin to send for (i. e. Abū Baṣir and his companions) promising that whoever (amongst them) came to the Prophet ﷺ would be secure. So the Prophet ﷺ sent for them (i. e. Abu Basir's companions) and Allah تعالى revealed the following Divine Verses :—

> 'And it is He Who
> Has withheld their hands

فَخَرَجَ حَتَّى أَتَى سِيفَ الْبَحْرِ ، قَالَ : وَيَنْفَلِتُ مِنْهُمْ أَبُو جَنْدَلِ بْنُ سُهَيْلٍ ، فَلَحِقَ بِأَبِي بَصِيرٍ ، فَجَعَلَ لاَ يَخْرُجُ مِنْ قُرَيْشٍ رَجُلٌ قَدْ أَسْلَمَ إِلاَّ لَحِقَ بِأَبِي بَصِيرٍ حَتَّى اجْتَمَعَتْ مِنْهُمْ عِصَابَةٌ ، فَوَاللهِ مَا يَسْمَعُونَ بِعِيرٍ خَرَجَتْ لِقُرَيْشٍ إِلَى الشَّأْمِ إِلاَّ اعْتَرَضُوا لَهَا فَقَتَلُوهُمْ وَأَخَذُوا أَمْوَالَهُمْ . فَأَرْسَلَتْ قُرَيْشٌ إِلَى النَّبِيِّ صلى اللهُ عليهِ وسلَّم تُنَاشِدُ بِاللهِ وَالرَّحِمِ لَمَّا أَرْسَلَ فَمَنْ أَتَاهُ فَهُوَ آمِنٌ ، فَأَرْسَلَ النَّبِيُّ صلى اللهُ عليهِ وسلَّم إِلَيْهِمْ فَأَنْزَلَ اللهُ تَعالى - وَهُوَ الَّذِي كَفَّ أَيْدِيَهُمْ عَنْكُمْ وَأَيْدِيَكُمْ عَنْهُمْ بِبَطْنِ مَكَّةَ مِنْ بَعْدِ أَنْ أَظْفَرَكُمْ عَلَيْهِمْ - حَتَّى بَلَغَ - الْحَمِيَّةَ حَمِيَّةَ - : كَانَتْ حَمِيَّتُهُمْ أَنَّهُمْ لَمْ يُقِرُّوا أَنَّهُ نَبِيُّ اللهِ وَلَمْ يُقِرُّوا بِسْمِ اللهِ الرَّحْمَنِ الرَّحِيمِ . وَحَالُوا بَيْنَهُمْ وَبَيْنَ الْبَيْتِ ، قَالَ أَبُو عَبْدِ اللهِ : مَعَرَّةٌ . الْعُرُّ : الْجَرَبُ تَزَيَّلُوا : تَمَيَّزُوا ، حَمَيْتُ الْقَوْمَ :

From you and your hands
From them in the midst
Of the valley of Mecca,
After He gave you the victory
Over them.
.........the unbelievers had
In their hearts zealotry.........
The zealotry of ignorance.'
(48 : 24-26)

And their zealotry was that they did not confess (write in the treaty) that he (i.e. Muhammad ﷺ) was the Prophet of Allah and refused to write: "In the Name of Allah, the most Beneficent, the most Merciful," and prevented the Muslims from visiting the Ka'ba.

Narrated Az-Zuhri: 'Urwa said, "'Aisha told me that Allah's Apostle ﷺ used to test the women emigrants. We have been told also that when Allah تعالى revealed the order that the Muslims should return to the pagans what they had spent on their wives who emigrated (after embracing Islam) and that the Muslims should not keep unbelieving women as their wives, 'Umar divorced two of his wives, Qariba, the daughter of Abu Umaiya and the daughter of Jarwal Al-Khuza'i. Later on Mu awiya married Qariba and Abu Jahm married the other."

When the infidels refused to pay what the Muslims had spent on their wives, Allah تعالى revealed:—

'And if any of your wives deserts
you

مَنَعْتُهُمْ، حِمَايَةً وَأَحْمَيْتُ الْحِمَى. وَقَالَ عُقَيْلٌ عَنِ الزُّهْرِيِّ: قَالَ عُرْوَةُ: فَأَخْبَرَتْنِي عَائِشَةُ أَنَّ رَسُولَ اللهِ صلى الله عليه وسلم كَانَ يَمْتَحِنُهُنَّ. وَبَلَغَنَا أَنَّهُ لَمَّا أَنْزَلَ اللهُ تَعَالَى أَنْ يَرُدُّوا إِلَى الْمُشْرِكِينَ مَا أَنْفَقُوا عَلَى مَنْ هَاجَرَ مِنْ أَزْوَاجِهِمْ وَحَكَمَ عَلَى الْمُسْلِمِينَ أَنْ لَا يُمَسِّكُوا بِعِصَمِ الْكَوَافِرِ، أَنَّ عُمَرَ طَلَّقَ امْرَأَتَيْنِ قَرِيبَةَ بِنْتَ أَبِي أُمَيَّةَ. وَابْنَةَ جَرْوَلٍ الْخُزَاعِيِّ، فَتَزَوَّجَ قَرِيبَةَ مُعَاوِيَةُ، وَتَزَوَّجَ الْأُخْرَى أَبُو جَهْمٍ. فَلَمَّا أَبَى الْكُفَّارُ أَنْ يُقِرُّوا بِأَدَاءِ مَا أَنْفَقَ الْمُسْلِمُونَ عَلَى أَزْوَاجِهِمْ أَنْزَلَ اللهُ تَعَالَى - وَإِنْ فَاتَكُمْ شَيْءٌ مِنْ أَزْوَاجِكُمْ إِلَى الْكُفَّارِ فَعَاقَبْتُمْ - وَالْعَقْبُ مَا يُؤَدِّي الْمُسْلِمُونَ إِلَى مَنْ هَاجَرَتِ امْرَأَتُهُ مِنَ الْكُفَّارِ، فَأَمَرَ أَنْ يُعْطَى مَنْ ذَهَبَ لَهُ زَوْجٌ مِنَ الْمُسْلِمِينَ مَا أَنْفَقَ مِنْ صَدَاقِ نِساء الْكُفَّارِ اللَّائِي هَاجَرْنَ، وَمَا نَعْلَمُ أَحَدًا مِنَ الْمُهَاجِرَاتِ ارْتَدَّتْ بَعْدَ إِيمَانِهَا.

To the unbelievers and you have
an accession
(By the coming over of a woman
from the other side)
(Then pay to those whose wives
have deserted them)
The equivalent of what they had
spent
(On their Mahr).' (60 : 11)

So, Allāh ordered that the Muslim whose wife deserted him, should be given, as a compensation of the Mahr he had given to his wife, from the Mahr of the wives of the infidels who had emigrated deserting their husbands.

We do not know any of the women emigrants who deserted Islām after embracing it. We have also been told that Abū Baṣīr bin Asīd Ath-Thaqafī came to the Prophet ﷺ as a Muslim emigrant during the truce. Al-Akhnas bin Sharīq wrote to the Prophet ﷺ requesting him to return Abū Baṣīr.

CHAPTER. Conditions in loans.

Ibn 'Umar رضي الله عنهما and 'Aṭā' said, "If one lends something for a certain period, the debt is valid."

892. Narrated Abū Huraira رضي الله عنه: Allāh's Apostle ﷺ mentioned a person who asked an Isrāelī man to lend him one-thousand Dinārs, and the Isrāelī lent him the sum for a certain fixed period.

وبَلَغنا أنَّ أبا بَصير بنَ أسيدٍ الثَّقَفِيَّ قَدِمَ عَلى النَّبِيِّ صلى الله عليهِ وسلَّم مُؤْمِنًا مُهاجِرًا في المُدَّة، فَكَتَبَ الأخْنَسُ بنُ شَرِيقٍ إلى النَّبِيِّ صلى الله عليهِ وسلَّم يَسْأَلُهُ أبا بَصيرٍ، فَذَكَرَ الحديثَ.

بابُ الشُّرُوطِ في القَرْضِ.

وقالَ ابنُ عُمَرَ وعَطاءٌ رَضِيَ اللهُ عَنهُما: إذَا أجَّلَهُ في القَرْضِ جازَ.

٨٩٢ - وقالَ اللَّيْثُ: حدَّثني جَعْفَرُ ابنُ رُبيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بنِ هُرْمُزَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنْ رَسُولِ اللهِ صلى الله عليهِ وسلَّم: أنَّهُ ذَكَرَ رَجُلًا سَألَ بَعْضَ بَني إسْرائيلَ أنْ

يُسَلِّفَهُ أَلْفَ دِينَارٍ، فَدَفَعَهَا إِلَيْهِ إِلَى أَجَلٍ مُسَمًّى.

CHAPTER. Al-Mukātab (i.e. the slave who is given the writing of emancipation for a certain sum) and about the invalidity of those conditions which contradict Allāh's Laws. Jābir bin ʿAbdullāh رضي الله عنهما said regarding Al-Mukātab, "Their conditions are those which are mutually agreed upon by them." Ibn ʿUmar or ʿUmar said, "Any condition which is against Allāh's Laws, is invalid, even if one stipulates a hundred such conditions."

بَابُ الْمُكَاتَبِ، وَمَا لَا يَحِلُّ مِنَ الشُّرُوطِ الَّتِي تُخَالِفُ كِتَابَ اللهِ. وَقَالَ جَابِرُ بْنُ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُمَا فِى الْمُكَاتَبِ: شُرُوطُهُم بَيْنَهُمْ. وَقَالَ ابْنُ عُمَرَ أَوْ عُمَرُ: كُلُّ شَرْطٍ خَالَفَ كِتَابَ اللهِ فَهُوَ بَاطِلٌ، وَإِنِ اشْتَرَطَ مِائَةَ شَرْطٍ.

893. Narrated ʿAmra: ʿĀisha رضي الله عنها said that Buraira came to seek her help in her writing of her emancipation. ʿĀisha said to her, "If you wish, I will pay your masters (your price) and the Wala will be for me." When Allāh's Apostle ﷺ came, she told him about it. The Prophet ﷺ said to her, "Buy her (i.e. Buraira) and manumit her, for the Wala is for the one who manumits." Then Allāh's Apostle ﷺ ascended the pulpit and said, "What about those people who stipulate things which are not in Allāh's Laws? Whoever stipulates such conditions as are not in Allāh's Laws, then those conditions are invalid even if he stipulated a hundred such conditions."

٨٩٣ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللهِ: حَدَّثَنَا سُفْيَانُ، عَنْ يَحْيَى، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: أَتَتْهَا بَرِيرَةُ تَسْأَلُهَا فِى كِتَابَتِهَا فَقَالَتْ: إِنْ شِئْتِ أَعْطَيْتُ أَهْلَكِ وَيَكُونُ الْوَلَاءُ لِى. فَلَمَّا جَاءَ رَسُولُ اللهِ صلى اللهُ عليه وسلَّم ذَكَّرْتُهُ ذَلِكَ، قَالَ النَّبِىُّ صلى الله عليه وسلَّم: ابْتَاعِيهَا فَأَعْتِقِيهَا فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ. ثُمَّ قَامَ رَسُولُ اللهِ صلى الله عليهِ وسلَّم عَلَى الْمِنْبَرِ فَقَالَ: مَا بَالُ أَقْوَامٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِى كِتَابِ اللهِ؟ مَنِ اشْتَرَطَ شَرْطًا لَيْسَ فِى كِتَابِ اللهِ فَلَيْسَ لَهُ وَإِنِ اشْتَرَطَ مِائَةَ شَرْطٍ.

CHAPTER. What kinds of conditions are permissible; and what is exempted

بَابُ مَا يَجُوزُ مِنَ الِاشْتِرَاطِ، وَالثُّنْيَا فِى الْإِقْرَارِ، وَالشُّرُوطُ الَّتِى يَتَعَارَفُهَا

from the decision; and the conditions which are well-known amongst the people, and if somebody says, "One-hundred minus one or two."

Narrated Ibn Sīrīn: A man said to a hirer of animals, "Prepare your travelling animals, and if I should not go with you on such-and-such day, I shall pay you a hundred Dirhams," but he did not go on that day. Shuraiḥ said, "If anyone puts a condition on himself of his own free will without being under duress, he has to abide by it."

Narrated Aiyūb from Ibn Sīrīn: A man sold foodstuff and the buyer told the seller that if he did not come to him on Wednesday, then the deal would be cancelled (i.e. invalid) and he did not turn up on that day." Shuraiḥ said to the buyer, "You have broken your promise," and gave the verdict against him.

894. Narrated Abū Huraira رضي الله عنه: Allāh's Apostle ﷺ said, "Allāh has ninety-nine names, i. e. one-hundred minus one, and whoever knows them will go to Paradise."

CHAPTER. Conditions in Waqf (i.e. religious endowment).

النَّاسُ بَيْنَهُمْ. و إذَ قالَ مائَةٌ إلاَّ واحِدَةً أوْ ثِنْتَين. وقالَ ابنُ عَوْن، عَنِ ابن سِيرِينَ، قالَ الرَّجُلُ لِكَرِيِّهِ: أدْخِلْ رِكابَكَ، فإنْ لَمْ أرْحَلْ مَعَكَ يَوْمَ كَذا و كَذَا فَلَكَ مِائَةُ دِرْهَمٍ فَلَمْ يَخْرُجْ، فَقالَ شُرَيْحٌ: مَنْ شَرَطَ عَلى نَفْسِهِ طائِعا غَيْرَ مُكْرَهٍ فَهُوَ عَلَيْهِ. و قالَ أيُّوبُ، عَنِ ابنِ سِيرِينَ: إنَّ رَجُلاً باعَ طَعاما و قالَ إنْ لَمْ آتِكَ الأرْبعاءَ فَلَيْسَ بَيْني و بَيْنَكَ بَيْعٌ، فَلَمْ يَجِيءْ فَقالَ شُرَيْحٌ للمُشْترى: أنْتَ أخْلَفْتَ فَقَضَى عَلَيْهِ.

٨٩٤ - حدَّثَنا أبُو اليمان: أخْبَرَنا شُعَيْبٌ: حدَّثَنا أبُو الزِّناد، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أنَّ رَسُولَ اللهِ صلى اللهُ عليهِ وسلَّم قالَ: إنَّ لله تِسْعَةً وتِسْعِينَ أسماءً: مِائَةً إلاَّ واحِدَةً مَنْ أحْصَاها دَخَلَ الجَنَّةَ.

بابُ الشُّرُوطِ فى الوَقْفِ.

895. Narrated Ibn ʿUmar رضي الله عنهما : ʿUmar bin Al-Khattab got some land in Khaibar and he went to the Prophet ﷺ to consult him about it saying, "O Allah's Apostle! I got some land in Khaibar better than which I have never had, what do you suggest that I do with it?" The Prophet ﷺ said, "If you like you can give the land as endowment and give its fruits in charity." So ʿUmar gave it in charity as an endowment on the condition that it would not be sold nor given to anybody as a present and not to be inherited, but its yield would be given in charity to the poor people, to the kith and kin, for freeing slaves, for Allah's Cause, to the travellers and guests; and that there would be no harm if the guardian of the endowment ate from it according to his need with good intention, and fed others without storing it for the future...."

٨٩٥ ـ حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ : حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ الأَنْصَارِيُّ : حَدَّثَنَا ابْنُ عَوْنٍ قَالَ : أَنْبَأَنِي نَافِعٌ ، عَنِ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا : أَنَّ عُمَرَ ابْنَ الخَطَّابِ أَصَابَ أَرْضاً بِخَيْبَرَ فَأَتَى النَّبِيَّ صلى اللهُ عليهِ وسلَّم يَسْتَأْمِرُهُ فِيهَا ، فَقَالَ : يَا رَسُولَ اللهِ ، إِنِّي أَصَبْتُ أَرْضاً بِخَيْبَرَ ، لَمْ أُصِبْ مالاً قَطُّ أَنْفَسَ عِنْدِي مِنْهُ ـ فَمَا تَأْمُرُنِي بِهِ ؟ قَالَ : إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا . قَالَ : فَتَصَدَّقَ بِهَا عُمَرُ أَنَّهُ لا يُبَاعُ وَ لا يُوهَبُ وَلا يُورَثُ ، وَتَصَدَّقَ بِهَا فِي الفُقَرَاءِ وَفِي القُرْبَى وَفِي الرِّقَابِ وَفِي سَبِيلِ اللهِ وَابْنِ السَّبِيلِ وَالضَّيْفِ ، لا جُنَاحَ عَلَى مَنْ وَلِيَهَا أَنْ يَأْكُلَ مِنْهَا بِالمَعْرُوفِ وَيُطْعِمَ غَيْرَ مُتَمَوِّلٍ . قَالَ : فَحَدَّثْتُ بِهِ ابْنَ سِيرِينَ . فَقَالَ : غَيْرَ مُتَأَثِّلٍ مالاً .

The End

Transliteration of certain formulas and their meanings

1. Allāhumma aslamtu wajhī ilaika, wa fauwaḍtu amrī ilaika, wa ʿaha tu zahrī ilaika raghbatan wa rahbatan ilaika. Lā maljʾā minka illā ilaika. Allāhumma āmantu bikitābika-l-ladhī anzalta wa binabīyika-l-ladhī arsalta.

(O Allāh ! I surrender to You and trust You in all my affairs and depend upon You for Your Blessings both with hope and fear of You. There is no place of protection and safety except with You. O Allāh ! I believe in the Book You have revealed and in the Prophet whom You have sent).

2. Wa ash-hadu anna Muḥammadan Rasūlul-lāh.

(and I certify that Muḥammad is Allāh's Apostle).

3. Ḥaiya ʿalaṣ-ṣalā (t).

(Come for the prayer).

4. Lā ḥawla walā quwata illā billāh.

(There is neither might nor any power except with Allāh).

5. Allāhumma Rabba hādhihi-l-daʿ watit-tāmmati waṣ-ṣalātil-qāʾimati, āti Muḥammadan al-wasīlata wal-faḍīlata, wabʿathhu maqāman Maḥmūdan-il-ladhī wa adtaḥu.

(O Allāh ! Lord of this perfect call and of the regular prayer which is going to be established ! Kindly give Muḥammad the right of intercession and superiority and send him (on the Day of Judgement) to the best and the highest place in Paradise which You promised him).

6. Samiʿa-l-lahu liman ḥamidah.

(Allāh heard those who sent praises to Him).

7. Rabbanā wa laka-l-ḥamd.

(O our Lord ! All the praises are for You).

8. Allāhumma, bāʿid bainī wa baina khaṭāyayā kamā bāʿadta baina-l-mashriqi wal-maghrib. Allāhumma, naqqinī min khaṭāyayā kamā yunaqqa-ththawbu l-abyaḍu mina-d-danas. Allāhumma, ighsil khaṭāyāya bil-māʾi wa-th-thalji wal-barad.

(O Allāh ! Set me apart from the sins (faults) as East and West are set apart from each other and cleanse me from sins as a white garment is cleaned of dirt (after thorough washing). O Allāh ! Wash off my sins with water, snow and hail).

9. Al-ḥamdu lil-lāhi Rabil-ʿālamīn.

(All praises are for Allāh the Lord of the Worlds).

10. At-taḥīyātu lil-lāhi waṣ-ṣalawātu waṭ-ṭaiyibātu. As-salāmu ʿalaika aiyuha-n-Nabīyu wa raḥmatu-l-lāhi wa barakātuhū. As-salāmu ʿalainā waʿalaʿibādil-lāh iṣ-ṣāliḥīn.

(All the compliments, prayers and good things are due to Allāh ; peace be on you, O Prophet, and Allāh's mercy and blessings be on you. Peace be on us and on the true pious devotees of Allāh).

11. Allāhumma innī aʿūdhu bika minʿadhābil-qabri, wa aʿūdhu bika min fitnatil-masīḥid-dajjāl, wa aʿūdhu bika min fitnatil-maḥyā wa fitnatil-mamāti. Allāhumma innī aʿūdhu bika minal-maʾthami wal-maghrami.

(O Allāh, I seek Your Protection against the punishment of the grave and against the afflictions of Pseudo Christ 'Dajjal' and the afflictions of life and death. O Allāh, I seek Your protection against sins and debts).

12. Allāhumma innī ẓalamtu nafsī ẓulman kathīran. Walā yaghfirudh-dhunūba illā anta, faghfirlī maghfiratan minʿindika, war-ḥamnī innaka antal-ghafūrur-raḥīm.

(O Allāh ! I have done great injustice to myself and none except You forgives sins, so please forgive me and be Merciful to me as You are the Forgiver, the Merciful).

13. Lā-ilāha illāl-lāh waḥdahū lā sharīka lahū, lahul-mulk wa lahul- ḥamd, wahuwa ʿalā kulli shaiʾin qadīr. Allāhumma lā māniʿa limā aʿtait, wa lā muʿṭiya limā manaʿt, wa lā yanfaʿu dhal-jaddi minka-l-jadd

(None has the right to be worshipped but Allāh and nothing is to be worshipped along with Him, for Him is the kingdom and all the praises are for Him and He is omnipotent. O Allāh ! Nobody can hold back what You give and nobody can give what You hold back, and the luck of lucky people will not be of any use before You).